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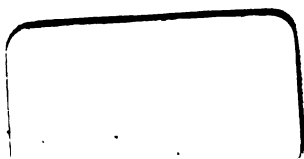
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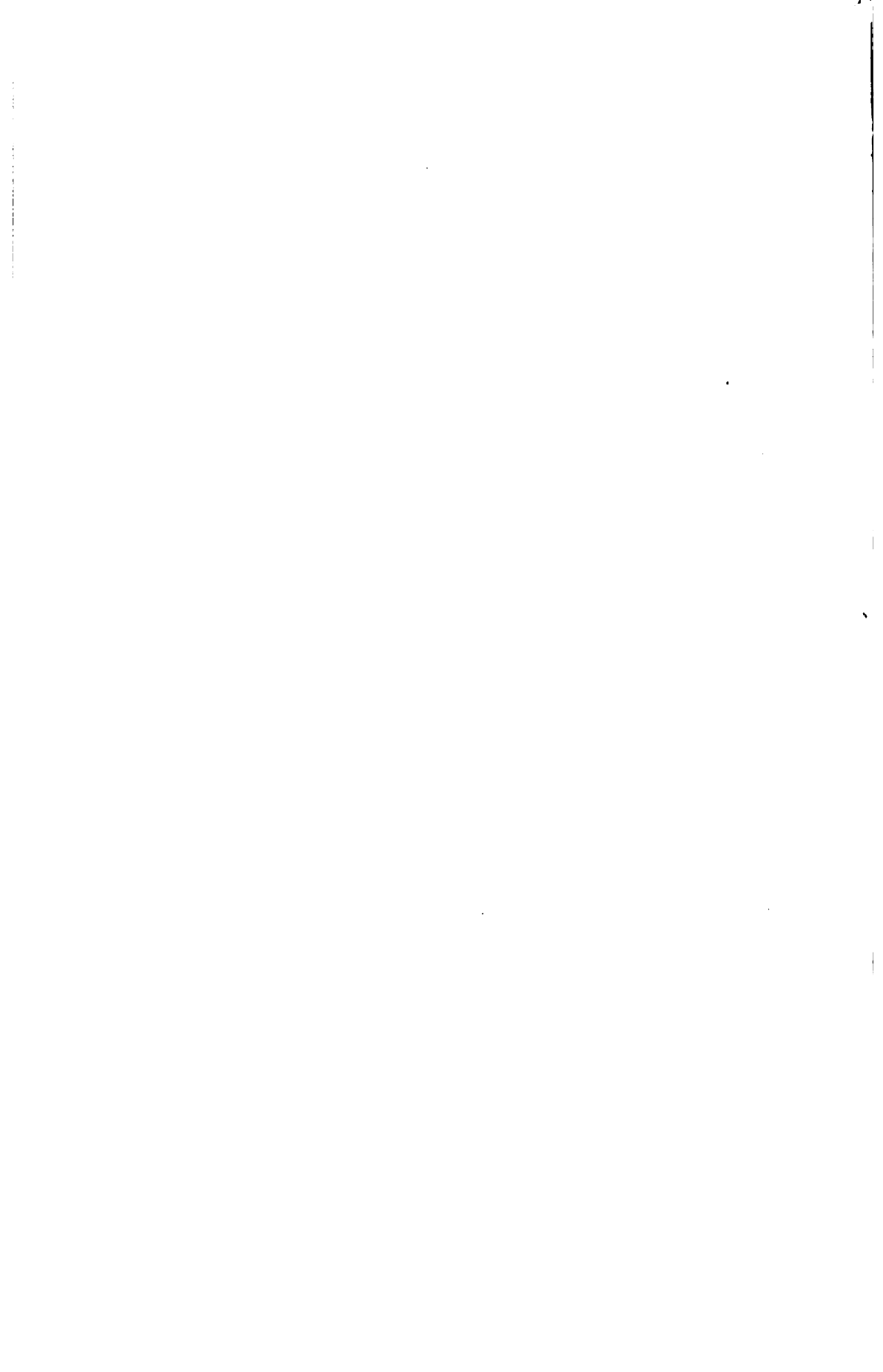


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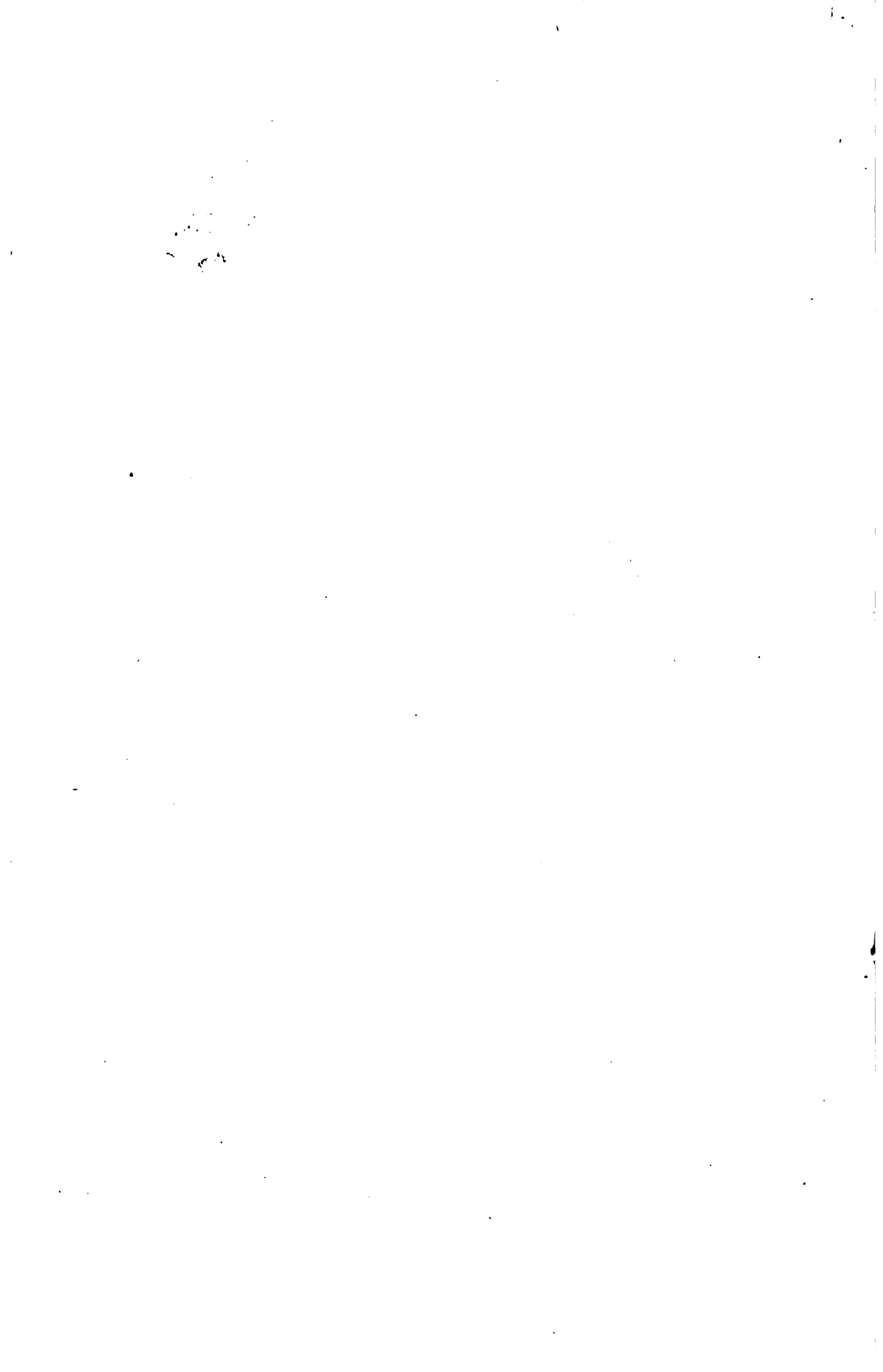


ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

SECOND CONGRESS.



THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;



WITH

AN APPENDIX,

CONTAINING

15356
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

SECOND CONGRESS:

COMPRISING THE PERIOD FROM OCTOBER 24, 1791, TO MARCH 3, 1793,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:

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PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES.

AT THE FIRST SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF
PHILADELPHIA, OCTOBER 24, 1791.

NOTES TO THE READER.

I. To account for the absence of any Report of *Debates* in the Senate in the Second Congress, it is proper here to repeat that the Senate sat with closed doors during its Legislative as well as its Executive sittings, from the beginning of the First Congress up to the 20th day of February, 1794, in the first session of the Third Congress, except in the case of Mr. GALLATIN'S contested election, when a proposition succeeded, which had frequently before failed, in that body, that the Legislative sittings of the Senate should thenceforth, after the end of that session of Congress, be conducted with open doors and galleries.

II. In the History of the First Congress, the Proceedings of the Senate in its Executive capacity were given, with a view to showing how they began, were modified in their progress, and continued to the end of that Congress. From the beginning of the Second Congress, however, the Executive Journal being in general a monotonous record, no notice is taken of Executive Proceedings in the Senate, unless of some important principle being involved, as in case of a Treaty, &c., or of Debate which, finding its way to the public knowledge, can yet be traced in the records of the day.

III. In those early proceedings of the Senate, *Bills* of either House are inserted at large when so found on the Journal of that body; the object of doing so being to show the original form of each, and to enable the inquiring reader to ascertain, by comparing them with the Acts of Congress, (to be found in the *Appendix*,) what changes they may have undergone in their passage through the two Houses, before they became Laws.

MONDAY, October 24, 1791.

This being the day fixed by law for the annual meeting of Congress, at the first session of the second Congress, the following members of the Senate appeared, produced their credentials, and took their seats:*

JOHN ADAMS, Vice President and President of the Senate;

JOHN LANGDON and PAINE WINGATE, from New Hampshire;

CALEB STRONG and GEORGE CABOT, from Massachusetts;

THEODORE FOSTER and JOSEPH STANTON, jr., from Rhode Island;

ROGER SHERMAN, from Connecticut, in the place of WILLIAM S. JOHNSON, resigned;

AARON BURR, from New York;

PHILEMON DICKINSON and JOHN RUTHERFURD, from New Jersey;

ROBERT MORRIS, from Pennsylvania;

GEORGE READ, from Delaware;

SAMUEL JOHNSTON and BENJAMIN HAWKINS, from North Carolina;

* Mr. CARROLL, from Maryland; Mr. ELLSWORTH, from Connecticut; Mr. FOSTER, from Rhode Island; Mr. MONROE, from Virginia, and Mr. READ, from Delaware, were allotted to the class of Senators whose continuance in office was limited by the Constitution to two years; but they had been re-elected by their respective States, and had produced their credentials at the session of the Senate specially convened for the transaction of Executive business on the 4th of March, 1791.

PIERCE BUTLER and RALPH IZARD, from South Carolina; and

WILLIAM FEW, from Georgia.

Ordered, That Messrs. BUTLER, MORRIS, and DICKINSON, be a committee to wait on the President of the United States, and inform him that a quorum of the Senate is assembled, and ready to receive any communication he may be pleased to make to them.

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 they have notified the President of the United States that they are ready to receive such communications as he may be pleased to make to them.

The petition of Robert Aikin, praying to be appointed printer to the United States, was read, and ordered to lie for consideration.

The petition of James Alexander, that he may be appointed Sergeant-at-arms, Doorkeeper, or Messenger, was read; and ordered to lie for consideration.

Mr. BUTLER, from the committee appointed to wait on the President of the United States, reported that they had executed their commission.

A message from the House of Representatives, by Mr. BECKLEY, their Clerk, informed the Senate that they have resolved that a committee be appointed, jointly with such committee as the Senate shall appoint, to wait on the President of the

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United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications he may please to make to them; in which resolution they desire the concurrence of the Senate.

Resolved, That the Senate concur in the appointment of a joint committee to wait on the President of the United States, agreeably to the resolution of the House of Representatives; and that Messrs. IZARD and LANGDON be the committee on the part of the Senate.

Ordered, That the Secretary communicate this resolution of concurrence to the House of Representatives.

A message from the House of Representatives, by Mr. BECKLEY, their Clerk, informed the Senate that they have resolved that two Chaplains, of different denominations, be appointed to Congress for the present session, one by each House, who shall interchange weekly.

The Senate proceeded to consider the resolution of the House of Representatives of this day, for the appointment of two Chaplains; and,

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

Ordered, That the Secretary communicate the concurrence of the Senate in this resolution, together with their proceedings thereon, to the House of Representatives.

Mr. IZARD, from the joint committee appointed to wait on the President of the United States, agreeably to the resolution of the two Houses, of this day; reported that they had executed the business, and that the President of the United States proposed to-morrow, at 12 o'clock, to meet the two Houses of Congress in the Senate Chamber.

TUESDAY, October 25.

The petition of Thomas Bradford, that he may be employed in printing such bills, journals, and other papers, as may be from time to time published, was read; and ordered to lie.

Ordered, That the Secretary inform the House of Representatives that the Senate are ready to meet them in the Senate Chamber, to receive any communications the President of the United States may be pleased to make to the two Houses of Congress; and that the usual seats will be assigned them.

The House of Representatives having accordingly taken their seats, the PRESIDENT OF THE UNITED STATES came into the Senate Chamber, and addressed both Houses of Congress, as followeth:

Fellow-Citizens of the Senate, and of the House of Representatives:

I meet you upon the present occasion with the feelings which are naturally inspired by a strong impression of the prosperous situation of our common country, and by a persuasion, equally strong, that the labors of the session which has just commenced will, under the guidance of a spirit no less prudent than patriotic, issue in measures conducive to the stability and increase of national prosperity.

Numerous as are the Providential blessings which

demand our grateful acknowledgments, the abundance with which another year has again rewarded the industry of the husbandman is too important to escape recollection.

Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their causes, you will have remarked, with particular pleasure, the happy effects of that revival of confidence, public as well as private, to which the Constitution and laws of the United States have so eminently contributed; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you, nevertheless, cannot fail to derive satisfaction from the confirmation of these circumstances; which will be disclosed in the several official communications that will be made to you in the course of your deliberations.

The rapid subscriptions to the Bank of the United States, which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves, not only of confidence in the Government, but of resource in the community.

In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.

Among the most important of these, is the defence and security of the western frontiers. To accomplish it on the most humane principles was a primary wish.

Accordingly, at the same time that treaties have been provisionally concluded, and other proper means used to attach the wavering, and to confirm in their friendship the well disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice.

Those measures having proved unsuccessful, it became necessary to convince the refractory of the power of the United States to punish their depredations. Offensive operations have therefore been directed, to be conducted, however, as consistently as possible with the dictates of humanity. Some of these have been crowned with full success, and others are yet depending. The expeditions which have been completed were carried on under the authority, and at the expense, of the United States, by the militia of Kentucky; whose enterprise, intrepidity, and good conduct, are entitled to peculiar commendation.

Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have lately renounced all further opposition, removed from their former situations, and placed themselves under the immediate protection of the United States.

It is sincerely to be desired, that all need of coercion in future may cease; and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians, and to attach them firmly to the United States.

In order to this, it seems necessary—

That they should experience the benefits of an impartial dispensation of justice.

That the mode of alienating their lands, the main source of discontent and war, should be so defined and regulated as to obviate imposition, and, as far as may be practicable, controversy concerning the reality and extent of the alienations which are made.

That commerce with them should be promoted under regulations tending to secure an equitable deportment

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towards them, and that such rational experiments should be made, for imparting to them the blessings of civilization, as may from time to time suit their condition.

That the Executive of the United States should be enabled to employ the means to which the Indians have been long accustomed for uniting their immediate interests with the preservation of peace.

And that efficacious provision should be made for inflicting adequate penalties upon all those who, by violating their rights, shall infringe the treaties, and endanger the peace of the Union.

A system corresponding with the mild principles of religion and philanthropy towards an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy.

The powers specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensations, have likewise been carried into effect. In a matter in which both materials and experience were wanting to guide the calculation, it will be readily conceived that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency with a proper regard to the limits prescribed by the law. It is hoped that the circumspection which has been used will be found in the result to have secured the last of the two objects; but it is probable, that, with a view of the first, in some instances a revision of the provision will be found advisable.

The impressions with which this law has been received by the community have been, upon the whole, such as were to be expected among enlightened and well disposed citizens, from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion in particular places to some degree of discontent. But, it is satisfactory to know that this disposition yields to proper explanations and more just apprehensions of the true nature of the law. And I entertain a full confidence that it will, in all, give way to motives which arise out of a just sense of duty, and a virtuous regard to public welfare.

If there are any circumstances in the law which, consistently with its main design, may be so varied as to remove any well-intentioned objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite, with a steady and firm adherence to constitutional and necessary acts of Government, the fullest evidence of a disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the people.

Pursuant to the authority contained in the several acts on that subject, a district of ten miles square, for the permanent seat of the Government of the United States, has been fixed, and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A city has also been laid out, agreeably to a plan which will be placed before Congress. And, as there is a prospect, favored by the rate of sales which have already taken place, of ample funds for carrying on the necessary public buildings, there is every expectation of their due progress.

The completion of the census of the inhabitants, for

which provision was made by law, has been duly notified, (excepting one instance in which the return has been informal; and another, in which it has been omitted or miscarried,) and the returns of the officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance, that the present population of the United States borders on four millions of persons.

It is proper also to inform you that a further loan of two millions and a half of florins has been completed in Holland; the terms of which are similar to those of the one last announced, except as to a small reduction of charges. Another, on like terms, for six millions of florins had been set on foot under circumstances that assured an immediate completion.

Gentlemen of the Senate:

Two treaties which have been provisionally concluded with the Cherokees and Six Nations of Indians, will be laid before you for your consideration and ratification.

Gentlemen of the House of Representatives:

In entering upon the discharge of your legislative trust, you must anticipate, with pleasure, that many of the difficulties, necessarily incident to the first arrangements of a new Government, for an extensive country, have been happily surmounted by the zealous and judicious exertions of your predecessors, in co-operation with the other branch of the Legislature. The important objects which remain to be accomplished, will, I am persuaded, be conducted upon principles equally comprehensive, and equally well calculated for the advancement of the general weal.

The time limited for receiving subscriptions to the loans proposed by the act making provision for the debt of the United States having expired, statements from the proper department will, as soon as possible, apprise you of the exact result. Enough, however, is already known to afford an assurance that the views of that act have been substantially fulfilled. The subscription, in the domestic debt of the United States, has embraced by far the greatest proportion of that debt; affording, at the same time, proof of the general satisfaction of the public creditors with the system which has been proposed to their acceptance, and of the spirit of accommodation to the convenience of the Government with which they are actuated. The subscriptions in the debts of the respective States, as far as the provisions of the law have permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed, will naturally engage your further deliberations.

It is particularly pleasing to me to be able to announce to you that the revenues which have been established promise to be adequate to their objects, and may be permitted, if no unforeseen exigency occurs, to supersede, for the present, the necessity of any new burdens upon our constituents.

An object which will claim your early attention is a provision for the current service of the ensuing year, together with such ascertained demands upon the Treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made; of all which a proper estimate will be laid before you.

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

I shall content myself with a general reference to former communications for several objects, upon which

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the urgency of other affairs has hitherto postponed any definitive resolution. Their importance will recall them to your attention; and, I trust, that the progress already made in the most arduous arrangements of the Government will afford you leisure to resume them with advantage.

There are, however, some of them of which I cannot forbear a more particular mention. These are: the Militia, the Post Office and Post Roads, the Mint, Weights and Measures, and a provision for the sale of the vacant lands of the United States.

The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. In connection with this, the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under Divine protection, ought to rest on the basis of systematic and solid arrangements, exposed as little as possible to the hazards of fortuitous circumstances.

The importance of the Post Office and Post Roads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the Government; which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. The establishment of additional cross posts, especially to some of the important points in the western and northern parts of the Union, cannot fail to be of material utility.

The disorders in the existing currency, and especially the scarcity of small change, a scarcity so peculiarly distressing to the poorer classes, strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a Mint. Measures have been taken pursuant to that resolution for procuring some of the most necessary artists, together with the requisite apparatus.

An uniformity in the Weights and Measures of the country is among the important objects submitted to you by the Constitution, and, if it can be derived from a standard at once invariable and universal, must be no less honorable to the public councils, than conducive to the public convenience.

A provision for the sale of the vacant lands of the United States is particularly urged, among other reasons, by the important considerations, that they are pledged as a fund for reimbursing the public debt; that, if timely and judiciously applied, they may save the necessity of burthening our citizens with new taxes for the extinguishment of the principal; and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

G. WASHINGTON.

UNITED STATES, October 25, 1791.

The PRESIDENT OF THE UNITED STATES having retired, and the two Houses being separated,

Ordered, That Messrs. BURR, CABOT, and JOHNSTON, be a committee to prepare and report the draft of an Address to the President of the United States, in answer to his Speech delivered this day to both Houses of Congress.

Ordered, That the Speech of the President of the United States, delivered this day, be printed for the use of the Senate.

WEDNESDAY, October 26.

RUFUS KING, from the State of New York, and JOHN HENRY, from the State of Maryland, attended.

The following Letter, dated October 25th, 1791, from the Treasurer of the United States to the Vice President, was communicated:

SIR: My accounts from the 1st October, 1790, to the 30th June, 1791, having passed the offices, and been reported on, permit me, through you, to lay them before the honorable the Senate, and at the same time to inform them that my specie and indent accounts from the 1st July to the 30th September, are at the Treasury for settlement, and when passed on, will be immediately handed you.

Ordered, That this Letter, and the accounts therein referred to, lie for consideration.

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

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

I lay before you copies of the following Acts which have been transmitted to me during the recess of Congress, viz:

An Act passed by the Legislature of New Hampshire, for ceding to the United States the fort and light-house belonging to the said State.

An Act of the Legislature of Pennsylvania, ratifying, on behalf of said State, the first article of amendment to the Constitution of the United States, as proposed by Congress; and

An Act of the Legislature of North Carolina, granting the use of the jails within that State to the United States.

G. WASHINGTON.

UNITED STATES, October 26, 1791.

Ordered, That the Message and papers accompanying it lie for consideration.

The petition of Thomas Shubrick, Esq., of Charleston, in the State of South Carolina, on behalf of Mary and Susanna Shubrick, daughters of Richard Shubrick, Esq., deceased, was read, praying that the provisions of the resolves of Congress of the 15th of May, 1778, and of the 24th of August, 1780, may be extended to the said Mary and Susanna.

Ordered, That this petition be referred to the Secretary of War to report thereon to the Senate.

THURSDAY, October 27.

The following resolution of the Directors of the Library Company of Philadelphia was communicated, dated October 6th, 1791.

Resolved, That the resolution of the 16th of January last, be extended to the present Congress of the United States, and that the Secretary be directed to furnish copies of the said resolution to the President of the Senate and to the Speaker of the House of Representatives.

The memorial of John Nixon and others, a committee on behalf of certain creditors of the United States, was read, requesting that an appropriation may be made for the payment of the arrears of their interest and the annual interest accruing.

Ordered, That this petition lie on the table.

The petition of Roger Smith, in behalf of Jacob and William Mott, minors, and sons of Charles

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Mott, Esq., deceased, late a Major of the second continental regiment of the State of South Carolina, was read, praying that the benefits of commutation of half pay may be extended to the aforesaid Jacob and William.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

The petition of Thomas O. Elliot, executor of the late Colonel Bernard Elliot, was read, praying that the orphan son of the said Bernard Elliot may receive the commutation for his late father's services, as Lieutenant-colonel, who died in the service of the United States.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

The petition of James Ball, of the State of South Carolina, on behalf of Jean Ann Ball, his wife, late Jean Ann Wise, only daughter of Major Samuel Wise, deceased, late of the third continental regiment in the State aforesaid, was read, praying that the benefits of the resolves of Congress of the 15th of May, 1778, and the 24th of August, 1780, may be extended to the said Jean Ann.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have proceeded by ballot to the appointment of a Chaplain to Congress on their part, and, upon examining the ballots, a majority of the votes of the whole House was found in favor of the Reverend Mr. BLAIR.

The petition of Charles Hateley, of South Carolina, that he may have a patent for a newly invented machine or mill, for freeing of grain or seeds from the hull; also, the petition of the said Charles Hateley, praying for encouragement in perfecting his machine for cleansing or whitening of rice, were severally read, and ordered to lie.

The petition of Cleland Kinloch, of Charleston, in the State of South Carolina, on behalf of his

sister Mary Huger, widow of Benjamin Huger, Esq., late Major of the fifth continental regiment of the State aforesaid, was read, praying that the resolutions of Congress, of May 15th, 1778, and 24th of August, 1780, may be extended to the said Mary Huger.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

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

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

I lay before you a copy of a letter, and of sundry documents, which I have received from the Governor of Pennsylvania, respecting certain persons who are said to have fled from justice out of the State of Pennsylvania, into that of Virginia; together with a report of the Attorney General of the United States upon the same subject.

I have received from the Governor of North Carolina a copy of an Act of the General Assembly of that State, authorizing him to convey to the United States the right and jurisdiction of the said State over one acre of land in Ocracock Island, and ten acres on the Cape Island, within the said State, for the purpose of erecting lighthouses thereon, together with the deed of the Governor, in pursuance thereof, and the original conveyances made to the State by the individual proprietors, which original conveyances contain conditions that the lighthouse on Ocracock shall be built before the first day of January, 1801, and that on the Cape Island, before the eighth day of October, 1800. And I have caused these several papers to be deposited in the office of the Secretary of State.

A statement of the Returns of the Enumeration of the Inhabitants of the United States, which have been received, will at this time be laid before you.

G. WASHINGTON.

UNITED STATES, October 27, 1791.

The statement of the Enumeration referred to in the Message is as follows:

Whole number of Persons within the several Districts of the United States, according to an Act "providing for the Enumeration of the Inhabitants of the United States," passed March 1, 1790.

DISTRICTS.	Free white males of sixteen years, and upwards, including heads of families.	Free white males under sixteen years.	Free white females, including heads of families.	All other free persons.	Slaves.	Total.
Vermont	22,486	22,220	40,506	259	16	85,539
New Hampshire	36,086	34,851	70,160	630	158	141,885
Massachusetts	24,284	24,742	46,970	588	none.	96,540
Rhode Island	95,453	87,260	190,569	5,463	none.	378,797
Connecticut	16,019	15,799	32,662	3,407	948	68,826
New York	60,523	54,403	117,446	3,808	2,764	267,946
New Jersey	83,700	78,122	152,820	4,664	21,324	340,130
Pennsylvania	45,251	41,416	88,397	3,769	11,458	184,139
Delaware	110,788	106,948	206,369	6,587	3,787	484,373
Maryland	11,783	12,143	22,284	3,890	8,887	59,094
Virginia	55,915	51,889	104,396	8,046	103,036	319,728
Kentucky	110,936	116,135	215,046	12,866	292,677	747,810
North Carolina	15,154	17,057	28,922	114	12,460	78,677
South Carolina	69,988	77,806	140,710	4,975	100,572	363,751
Georgia						
Southwestern Territory	13,109	14,044	25,789	398	29,264	82,548
Northwestern Territory	6,271	10,277	15,280	381	3,417	35,691

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

The following Message from the President of the United States was communicated by the Secretary of War:

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

I have directed the Secretary of War to lay before you, for your examination, the reports of Brigadier General Scott, and Lieutenant-colonel commandant Wilkinson, the officers who commanded the two expeditions against the Wabash Indians, in the months of June and August last; together with the instructions by virtue of which the said expeditions were undertaken. When the operations now depending shall be terminated, the reports relative thereto shall also be laid before you.

G. WASHINGTON.

UNITED STATES, October 27, 1791.

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

Mr. BURR reported, from the committee appointed to prepare 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.

Ordered, That to-morrow be assigned to take the report into consideration.

FRIDAY, October 28.

Agreeably to the order of the day, the Senate proceeded to take into consideration the Address reported by the committee, in answer to the Speech of the President of the United States, on the 24th instant, to both Houses of Congress; which report was agreed to, as follows:

To the President of the United States:

SIR: The Senate of the United States have received with the highest satisfaction the assurances of public prosperity contained in your Speech to both Houses. The multiplied blessings of Providence have not escaped our notice, or failed to excite our gratitude.

The benefits which flow from the restoration of public and private confidence are conspicuous and important; and the pleasure with which we contemplate them is heightened by your assurance of those further communications which shall confirm their existence and indicate their source.

While we rejoice in the success of those military operations which have been directed against the hostile Indians, we lament with you the necessity that has produced them; and we participate the hope that the present prospect of a general peace, on terms of moderation and justice, may be wrought into complete and permanent effect; and that the measures of Government may equally embrace the security of our frontiers and the general interests of humanity. Our solicitude to obtain which, will insure our zealous attention to an object so warmly espoused by the principles of benevolence, and so highly interesting to the honor and welfare of the nation.

The several subjects which you have particularly recommended, and those which remain of former sessions, will engage our early consideration. We are encouraged to prosecute them with alacrity and steadiness, by the belief that they will interest no passion but

that for the general welfare; by the assurance of concert, and by a view of those arduous and important arrangements which have been already accomplished.

We observe, sir, the constancy and activity of your zeal for the public good. The example will animate our efforts to promote the happiness of our country.

Ordered, That the Address to the President of the United States, in answer to his Speech, be presented by the Vice President, attended by the Senate; and that the committee which reported the Address wait on the President of the United States, and desire to be informed at what time and place he will receive the same.

MONDAY, October 31.

JAMES MONROE, from the State of Virginia, attended, and took his seat.

MOSES ROBINSON, from the State of Vermont, produced his credentials, and took his seat in the Senate.

Mr. BURR, from the committee appointed on the 28th to wait on the President of the United States, reported, that it would be agreeable to the President of the United States to receive the Address of the Senate, in answer to his Speech to both Houses of Congress, on Monday next at 12 o'clock.

Whereupon, the Senate waited on the President of the United States at his own house, and the VICE PRESIDENT, in their name, communicated to him the Address agreed to on the 28th instant, to which the PRESIDENT OF THE UNITED STATES was pleased to make the following reply:

GENTLEMEN: This manifestation of your zeal for the honor and the happiness of our country derives its full value from the share which your deliberations have already had in promoting both.

I thank you for the favorable sentiments with which you view the part I have borne in the arduous trust committed to the Government of the United States; and desire you to be assured that all my zeal will continue to second those further efforts for the public good which are insured by the spirit in which you are entering on the present session.

G. WASHINGTON.

The Senate returned to the Senate Chamber.

The representation of Joseph Ceracchi, a Roman sculptor, of the design conceived of a monument for perpetuating the memory of the American Revolution, was read; and ordered that it lie for consideration.

Ordered, That Messrs. MORRIS, KING, IZARD, CABOT, and HENRY, be a committee to take into consideration the subject of a Mint, and to report a bill thereon, if they think proper.

On motion to alter the Rule which provides for balloting in the choice of committees, and that the Vice President be empowered to nominate the committees in future; it was agreed that the motion be postponed.

Ordered, That Messrs. STRONG, BUTLER, and BURR, be the committee to consider and report what business it is necessary for the Senate to proceed on.

NOVEMBER, 1791.]

Proceedings.

[SENATE.]

TUESDAY, November 1.

The following Messages from the President of the United States were, by Mr. LEAR, his Secretary, delivered to the Vice President.

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

I send you, herewith, the arrangement which has been made by me, pursuant to the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," in respect to the subdivision of the several districts, created by the said act, into surveys of inspection, the appointment of officers for the same, and the assignment of compensations.

G. WASHINGTON.

UNITED STATES, October 31, 1791.

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

I received yesterday, from the Judge of the district of South Carolina, a letter, enclosing the presentments of the grand jury to him, and stating the causes which have prevented the return of the census from that district, copies of which are now laid before you.

G. WASHINGTON.

UNITED STATES, November 1, 1791.

The Messages and papers were read; and the arrangement respecting the collection of the excise is as follows:

Arrangements made by the PRESIDENT OF THE UNITED STATES, with respect to the subdivisions of the several districts thereof into surveys, the appointment of officers, and the assignment of compensations, pursuant to the act of Congress, passed the third day of March, 1791, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same."

New Hampshire forms one survey of inspection. The duties of inspector are performed by the supervisor; to this office Joshua Wentworth has been appointed. His compensation is a salary of five hundred dollars, and a commission of one-half per cent.

Massachusetts forms three surveys of inspection. No. 1, consists of the province of Maine; No. 2, of the counties of Essex, Middlesex, Worcester, Hampshire, and Berkshire; No. 3, of the residue of the State. Nathaniel Gorham has been appointed supervisor; his compensation is a salary of eight hundred dollars, and a commission of one-half per cent. The supervisor performs the duties of inspector of survey No. 1. Jonathan Jackson has been appointed inspector of survey No. 2, and Leonard Jarvis for survey No. 3. The compensation to each of these inspectors is a salary of five hundred dollars, and a commission of one-half per cent.

Rhode Island forms one survey. The duties of inspector are performed by the supervisor. John S. Dexter has been appointed to this office, with an allowance of a salary of five hundred dollars, and a commission of one-half per cent.

Connecticut forms one survey. The duties of inspector are performed by the supervisor, who is John Chester. His compensation is a salary of six hundred dollars, and a commission of one-half per cent.

Vermont forms one survey, of which the supervisor performs the duties of inspector. Noah Smith has been appointed to this office. His allowance is a salary of four hundred dollars, and a commission of one half per cent.

New York forms one survey, of which the supervisor acts as inspector. William S. Smith has been appointed to this office, with a salary of eight hundred dollars, and a commission of one-half per cent.

New Jersey forms one survey. The supervisor performs the duties of inspector. To this office, Aaron Dunham has been appointed. His compensation is a salary of four hundred dollars, and a commission of one-half per cent.

Pennsylvania forms four surveys. No. 1, consists of the city and county of Philadelphia, and the counties of Bucks and Montgomery; No. 2, of the counties of Berks, Northampton, Luzerne, and Northumberland; No. 3, of the counties of Delaware, Chester, Lancaster, York, Dauphin, Cumberland, Franklin, Mifflin, and Huntingdon; No. 4, of the counties of Bedford, Westmoreland, Washington, and Allegany. The supervisor for the district, George Clymer, acts as inspector of survey No. 1. His compensation is a salary of one thousand dollars, and a commission of one-half per cent. James Collins has been appointed inspector of survey No. 2, Edward Hand of survey No. 3, and John Neville of survey No. 4. The allowance to each of these inspectors is a salary of four hundred and fifty dollars, and a commission of one per cent.

Delaware forms one survey, of which the supervisor acts as inspector. His compensation is a salary of four hundred dollars, and a commission of one per cent. Henry Latimer, who was appointed supervisor, has resigned his office.

Maryland forms two surveys. No. 1, comprehends the counties of St. Mary's, Somerset, Calvert, Queen Anne's, Caroline, Kent, Charles, Talbot, Dorchester, Baltimore, Anne Arundel, Worcester, Hartford, Cecil, and Prince George's. No. 2, consists of the counties of Montgomery, Washington, Frederick, and Allegany. The supervisor of the district, George Gale, officiates as inspector of survey No. 1. His compensation is a salary of seven hundred dollars, and a commission of one per cent. Philip Thomas has been appointed inspector of survey No. 2, with a salary of four hundred and fifty dollars, and a commission of one per cent.

Virginia has been divided into seven surveys of inspection. No. 1, consists of the counties of Lancaster, Northumberland, Richmond, Westmoreland, King George, Caroline, Hanover, Henrico, Charles City, James City, Warwick, Elizabeth City, York, Gloucester, Matthews, Middlesex, Essex, King and Queen, King William, and New Kent; No. 2, of the counties of Stafford, Prince William, Fairfax, Loudon, Fauquier, Culpeper, Orange, Albemarle, Louisa, and Spotsylvania; No. 3, of the counties of Goochland, Fluvanna, Amherst, Bedford, Franklin, Henry, Patrick, Pittsylvania, Halifax, Charlotte, Mecklenburg, Lunenburg, Netoway, Amelia, Powhatan, Cumberland, Buckingham, Prince Edward, and Campbell; No. 4, of the counties of Princess Anne, Chesterfield, Norfolk, Isle of Wight, Sussex, Surry, Prince George, Dinwiddie, Brunswick, Greensville, Southampton, Nansemond, Accomack, and Northampton; No. 5, of Frederick, Berkeley, Hampshire, Hardy, Monongalia, Ohio, Harrison, Randolph, Pendleton, Augusta, Rockingham, and Shenandoah; No. 6, of the counties of Rockbridge, Botetourt, Montgomery, Wythe, Washington, Russell, Greenbriar, and Kanhawa; No. 7, consists of the district of Kentucky.

Edward Carrington has been appointed supervisor, with a salary of one thousand dollars, and a commission of one per cent. Drury Ragadale has been appointed inspector of survey No. 1; Edward Stevens of No. 2; Mayo Carrington of No. 3; Thomas Newton of No. 4; Edward Smith of No. 5; James Brackenridge of No. 6; and Thomas Marshal of No. 7. The compensation to these officers are to each, a salary of four hundred and fifty dollars, and a commission of one per cent.

North Carolina forms five surveys. No. 1, consists of the counties of Wilmington, Onslow, New Hanover, Brunswick, Bladen, Duplin, Anson, Richmond, Moore, Cumberland, Robertson, and Sampson; No. 2, of the counties of Carteret, Hyde, Beaufort, Pitt, Craven, Jones, Dobbs, Johnson, and Wayne; No. 3, of the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hartford, and Tyrrel; No. 4, of the counties of Northampton, Martin, Halifax, Nash, Edgecomb, Warren, Franklin, Caswell, Orange, Randolph, Grandville, Wake, and Chatham; No. 5, of the counties of Mecklenburg, Montgomery, Roan, Iredel, Surry, Stokes, Rockingham, Gilford, Lincoln, Rutherford, Burke, and Wilkes. William Polk has been appointed supervisor, and a salary of seven hundred dollars, and a commission of one per cent. have been assigned him as a compensation. James Read has been appointed inspector of survey No. 1; John Daves of No. 2; Thomas Benbury of No. 3; John Whitaker of No. 4; and Joseph M'Dowel, the elder, of No. 5. The compensation to the inspectors of surveys Nos. 1, 2, and 3, are to each a commission of two per cent.; those inspectors being also officers of the customs. A salary of four hundred and fifty dollars, and a commission of one per cent. have been assigned as a compensation to the inspectors of surveys Nos. 4 and 5, respectively.

South Carolina forms three surveys. No. 1, consists of the counties of Colleton, Berkeley, Washington, Marion, Bartholomew, Charleston, Granville, Hilton, Lincoln, Shrewsbury, Winton, Orange, and Lewisburgh; No. 2, of the counties of Winyaw, Williamsburgh, Liberty, Kingston, Darlington, Chesterfield, Marlborough, Clarendon, Clermont, Lancaster, Kershaw, Richland, Fairfield, Chester, and York; No. 3, of the counties of Edgefield, Abbeville, Newbury, Laurens, Union, Spartanburg, Greenville, and Pendleton. The duties of inspector of survey No. 1, are performed by the supervisor, Daniel Stevens, to whom a salary of seven hundred dollars, and a commission of one per cent. have been assigned as a compensation. Benjamin Cudworth has been appointed inspector of survey No. 2, and Syvarus Walker of No. 3. The compensation assigned to the inspector of survey No. 2, is a salary of three hundred dollars, and a commission of two per cent.; to the inspector of survey No. 3, a salary of four hundred and fifty dollars, and a commission of one per cent.

Georgia forms one survey. The supervisor, John Matthews, officiates as inspector. The compensation assigned him is a salary of five hundred dollars, and a commission of one per cent.

The commission, in each case, is computed upon the nett product of the duties on spirits distilled within the jurisdiction of the officer to whom it is allowed; which nett product is determined by deducting, at each stage of the compensation, all preceding charges.

With regard to the ports, the following arrangements have been made: At the ports at which there are both a collector and a surveyor, the latter has been appointed an inspector; where there is a collector only, he has been appointed; and where there is a surveyor only, he

has been appointed. The ports at which neither collector nor surveyor resides, have been placed under the inspection of the collector or surveyor of the district to which they belong, as the one or the other is the inspector of the revenue for the port where he resides. The duties of these inspectors are confined to spirits imported from abroad; and, as they bear an analogy to those which they have been accustomed to perform, no compensation has been assigned. The officers, directed by the 18th section of the law to be appointed by the supervisors, have been denominated collectors of the revenue. Their number has been of necessity left to the discretion of the supervisor, with these general intimations, that they should be, in all cases, as few as the proper execution of the business would permit; and that, in regard to the collection of the duties on stills, one for each county would suffice; but this regulation necessarily varies as the stills are more or less dispersed. Where they are much scattered, two, three, or more counties, have been assigned to the same person. The compensation to these officers is a commission on the sums collected by each, of two per cent. on the product of the duties on spirits distilled from foreign materials, and of four per cent. on the product of the duties arising from spirits distilled from domestic materials, whether per gallon or by the still. This difference was dictated by the different nature of the business.

TREASURY DEPARTMENT, October 31, 1791.

By order of the President of the United States:

ALEXANDER HAMILTON,
Secretary of the Treasury.

Ordered, That the Message from the President of the United States, and the papers therein referred to, lie for consideration.

Mr. STRONG, from the committee appointed yesterday to consider the necessary business to be acted on, reported as follows:

That, in the opinion of the committee, it will be proper for the Senate to proceed on the following business:

1. The establishing of a Mint.
2. The fixing the standard of Weights and Measures.
3. The determining the time for choosing the Electors of the President and Vice President, and the day on which they shall give their votes, and prescribing the mode of transmitting the votes to the seat of Government.
4. Providing compensation for the officers of the Judicial Courts of the United States, and for jurors and witnesses.
5. The bill postponed in the Senate, at the last session, for establishing offices for the purpose of Granting Lands within the territories of the United States.
6. The bill, postponed in like manner, concerning Consuls and Vice Consuls.

To which report the Senate agreed.

The petition of William Hort, in behalf of Isabella, Martha, and Mary, daughters of John Bush, late of the second continental regiment in the State of South Carolina, praying that the benefits of the resolutions of Congress, of 15th May, 1778, and 24th August, 1780, may be extended to them, for the reasons mentioned in the petition.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

Ordered, That Messrs. IZARD, MONROE, and

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LANGDON, be a committee to take into consideration the subject relative to Weights and Measures, and report their opinion thereon.

Ordered, That Messrs. RUTHERFORD, SHERMAN, and BURR, be a committee to report a bill determining the time of choosing the Electors of President and Vice President, and the day in which they shall give their votes, and prescribing the mode of transmitting the votes to the seat of Government.

Ordered, That Messrs. HENRY, STRONG, and MONROE, be a committee to report a bill providing compensation for the officers of the Judicial Courts of the United States, and for jurors and witnesses.

Ordered, That Messrs. KING, FOSTER, MONROE, STRONG, and BUTLER, be a committee to report a bill for establishing offices for the purpose of Granting Lands within the territories of the United States.

Ordered, That Messrs. MORRIS, CABOT, and ELLSWORTH, be a committee to report a bill concerning Consuls and Vice Consuls.

Ordered, That Messrs. BURR, BUTLER, and ROBINSON, be a committee to revise the Rules, and report such alterations and additions as may be necessary.

WEDNESDAY, November 2.

The petition of the distillers of the city of New York was read, praying for such alteration as may be thought expedient in the act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

Ordered, That this petition be sent to the House of Representatives.

The memorial of James Sinkler, praying to be enabled to fund certain indents, in lieu of those destroyed by fire, was read, and referred to the Secretary of the Treasury to report thereon to the Senate.

The petition of John Mangnall, for compensation for certain losses sustained in the sea service during the late war, was read, and ordered to lie on the table.

THURSDAY, November 3.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act granting further time for making return of the enumeration of the inhabitants in the district of South Carolina," in which they desire the concurrence of the Senate.

The abovementioned bill was read the first time, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the marshal of the

district of South Carolina to complete and make return of the enumeration of the inhabitants of the said district to the President of the United States, in the form and manner prescribed by the act, entitled "An act providing for the enumeration of the inhabitants of the United States," at any time on or before the first day of March next; any thing in the said recited act to the contrary notwithstanding.

And be it further enacted, That the marshal of the said district shall be exonerated of and from all penalties and forfeitures to which he became liable for not making the said returns to the President within the time prescribed by the act aforesaid.

Ordered, That this bill pass to a second reading.

Ordered, That the petition of John Mangnall, be referred to the Secretary of State, to report thereon to the Senate.

FRIDAY, November 4.

STEPHEN R. BRADLEY, from the State of Vermont, appeared, produced his credentials, and took his seat.

The Senate proceeded to the second reading of the bill for granting further time for making return of the enumeration of the inhabitants of the district of South Carolina:

The bill was amended, by striking out the word "recited," at the end of the first section, and also the second section of the bill.

The rule being dispensed with, the bill was then read the third time, and passed.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

The petition of Charles Colville, of the city of Philadelphia, was read, praying to have a sum of money reimbursed his brothers, who are in advance thereof, to redeem him from captivity at Algiers, and for allowance for his expenses and sufferings.

Ordered, That the petition be referred to Messrs. BUTLER, LANGDON, MORRIS, KING, and STRONG, to consider and report what is proper to be done thereon.

Ordered, That all communications made to the Senate on the subject of the American prisoners at Algiers, and now on file in the Secretary's office, be referred to the same committee, and that they be instructed to report generally thereon.

MONDAY, November 7.

The Senate proceeded to class the Senators from the State of Vermont, in conformity to the resolution of the 14th of May, 1789, and as the Constitution requires. Whereupon,

No. 3 and a blank were, by the Secretary, put into the box, when Mr. ROBINSON drew the blank, and Mr. BRADLEY drew No. 3; Mr. BRADLEY is accordingly of the class whose seats will be vacated in the Senate at the expiration of four years from March, 1791.

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The numbers 1 and 2 were then put into the box, when Mr. ROBINSON drew No. 1, who is accordingly of the class whose seats will be vacated in the Senate at the expiration of six years from March, 1791.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate to the bill granting further time for making return of the enumeration of the inhabitants in the district of South Carolina; and they have ordered that a committee be appointed, jointly, with such committee as may be appointed on the part of the Senate, for the purpose of enrolled bills.

The Senate took into consideration the order of the House of Representatives, appointing a joint Committee on Enrolled Bills, and it was agreed to; and, ordered, that Mr. RUTHERFORD be of the committee on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives with the agreement of the Senate, to the appointment of a joint committee for the purpose abovementioned.

The Report of the Trustees of the Sinking Fund was read, as follows:

The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to the Congress of the United States of America:

That, pursuant to the act, entitled "An act making provision for the reduction of the public debt;" and, in conformity to two resolutions agreed upon by them, one on the fifteenth day of January, another on the fifteenth day of August last, and severally approved by the President of the United States, they have caused purchases of the said debt to be made, through the agency, respectively, of Samuel Meredith, Treasurer of the United States, William Seton, Cashier of the Bank of New York, Benjamin Lincoln, Collector of the district of Boston and Charlestown, and William Heth, Collector of the district of Bermuda Hundred, to the amount of eight hundred fifty-two thousand six hundred seventy-seven dollars and forty-six cents, and for which there have been paid five hundred forty-eight thousand nine hundred twenty-four dollars and fourteen cents, in specie; as will more particularly appear by the several documents No. 1 to 8, herewith submitted as a part of this report, and which specify the places where, the times when, the prices at which, and the persons of whom, the said purchases have been made.

That, though the statements of William Seton and Benjamin Lincoln have not yet passed through the forms of a settlement, it appears, by the document No. 8, being a certified transcript from the books of the Treasury, that the amount of the stock, by them respectively reported to have been purchased, has been duly transferred to the said books.

That the purchases now, and heretofore reported, amount in the whole to one million one hundred thirty-one thousand three hundred sixty-four dollars, and seventy-six cents, for which there have been paid six hundred ninety-nine thousand one hundred sixty-three dollars, and thirty-eight cents in specie.

Signed in behalf of the Board:

JOHN ADAMS.

Statement of the purchases of Public Stock by the Agents of the Trustees named in the act for the reduction of the Public Debt.

BY WHOM PURCHASED.	Amount of six per cent stock.		Amount of three per cent stock.		Amount of deferred stock.		Total amount of stocks purchased.		Amount of Specie paid for the purchases.	
	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
Samuel Meredith, from passing of the act to Dec. 6th, 1790	156,308	50	61,306	33	61,072	47	278,687	30	150,239	24
Ditto December 7th, 1790, to January 11th, 1791	37,781	68	15,402	51	26,477	13	79,661	32	51,449	32
Ditto January 13th, to February 1st,	42,198	91	14,798	63	11,779	13	69,776	73	48,560	68
Ditto August 17th, to Sept. 19th,	5,627	94	94,487	67	138,605	87	238,721	48	148,984	71
William Seton, August 19th, to August 27th,	-	-	13,291	8	173,708	88	186,999	96	116,542	69
Ditto August 31st, to Sept. 5th,	-	-	12,482	21	41,548	80	54,031	1	33,457	31
Ditto Sept. 10th, to Sept. 12th,	-	-	41,666	67	40,000	00	81,666	67	50,000	00
William Heth, February 24th, to April 2d,	32,192	7	27,466	46	14,714	77	74,373	30	49,934	09
Benj. Lincoln, February 22d, to March 3d,	37,014	34	28,720	00	2,712	66	68,447	00	50,005	34
	811,123	44	309,621	56	510,619	76	1,131,364	76	699,163	38

JOSEPH NOURSE, Register.

TREASURY DEPARTMENT, Register's Office, November 4, 1791.

Ordered, That the Report and papers referred to lie for consideration.

TUESDAY, November 8.

No business appears to have been done in the Senate to-day, except the receiving and signing engrossed bills.

WEDNESDAY, November 9.

OLIVER ELLSWORTH, from the State of Connecticut, attended, and took his seat.

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[SENATE.

Ordered, That Messrs. FEW, STRONG, and BUTLER, be a committee to report a bill authorizing the Comptroller of the Treasury to settle the accounts of Joseph Pannill.

THURSDAY, November 10.

JAMES GUNN, from the State of Georgia, attended, and took his seat.

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

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

The resolution passed at the last session of Congress, requesting the President of the United States to cause an estimate to be laid before Congress, at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to, nor claimed by, any of the citizens of the United States, within the territory ceded to the United States by the State of North Carolina, and within the territory of the United States northwest of the river Ohio, has been referred to the Secretary of State; a copy of whose report on that subject I now lay before you, together with the copy of a letter accompanying it.

G. WASHINGTON.

UNITED STATES, November 10, 1791.

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

A letter from Captain O'Brien, respecting the American prisoners at Algiers, was read; and ordered to be referred to the committee appointed on the 4th of November on the petition of Charles Colville, and to whom were also referred the papers respecting the prisoners, citizens of the United States, at Algiers.

FRIDAY, November 11.

Mr. FEW, from the committee appointed for that purpose, reported a bill to empower the Comptroller of the Treasury to settle the accounts of Joseph Pannill.

Ordered, That this report lie for consideration.

MONDAY, November 14.

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

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

I have received from the Governor of Virginia a Resolution of the General Assembly of that Commonwealth, ratifying the first article of the amendments proposed by Congress to the Constitution of the United States. A copy of which, and of the letter accompanying it, I now lay before you.

Sundry papers, relating to the purchase, by Judge Symmes, of the lands on the Great Miami, having been communicated to me, I have thought it proper to lay the same before you, for your information on that subject.

G. WASHINGTON.

UNITED STATES, November 11, 1791.

The Resolution of the State of Virginia, referred to in the Message, is as follows:

IN THE HOUSE OF DELEGATES,
Tuesday, October 25, 1791.

Resolved, That the first article of the amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

Test, CHARLES HAY, C. H. D.

November 3, 1791—Agreed to by the Senate,
H. BROOKE, S.

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

Ordered, That Charles Hateley have leave to withdraw his petitions.

The petition of Alexander Anderson, and others, in behalf of the distillers of Philadelphia, was read, praying for such amendments as may be judged expedient to the act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

Ordered, That this petition lie on the table.

The bill to empower the Comptroller of the Treasury to settle the accounts of Joseph Pannill, was read the first time, and ordered to pass to the second reading.

The report of the Secretary of State, on the petition of John Mangnall, was read; and ordered to lie on the table.

Mr. MORRIS, from the committee appointed for that purpose, reported a bill respecting Consuls and Vice Consuls, which was read the first time, and ordered to pass to the second reading.

TUESDAY, November 15.

The Senate proceeded to the second reading of the bill for authorizing the Comptroller of the Treasury to settle the accounts of Joseph Pannill.

Ordered, That the bill be committed to Messrs. BURR, WINGATE, and SHERMAN, to examine into the state of facts, and report thereon.

The Senate proceeded to the second reading of the bill respecting Consuls and Vice Consuls, and, after progress, the further consideration thereof was postponed.

Mr. RUTHERFORD, from the committee appointed the first instant for that purpose, reported a bill to determine the time of choosing Electors of President and Vice President, and the bill was read the first time.

Ordered, That this bill pass to a second reading, and that, in the mean time, it be printed for the use of the Senate.

WEDNESDAY, November 16.

The Senate resumed the second reading of the bill concerning Consuls and Vice Consuls, and ordered that it be committed to Messrs. BURR, ELLSWORTH, STRONG, MORRIS, and MONROE, to report generally thereon.

THURSDAY, November 17.

The Senate proceeded to the second reading of the bill to determine the time of choosing Elect-

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ors of President and Vice President; and, after progress, the further consideration thereof was postponed until to-morrow.

FRIDAY, November 18.

A Letter from the Treasurer of the United States of this date, with his account of payments and receipts in indents of interest to the 30th of September, 1791, were read, and ordered to lie for consideration.

A Letter from the President of the General Assembly of the French colony of St. Domingo, explaining the reasons of the late embargo on the American shipping at that island, &c., was read; and ordered to be sent to the House of Representatives.

The Senate proceeded in the second reading of the bill to determine the time for choosing Electors of President and Vice President, and, after agreeing to sundry amendments, *Ordered*, that it be re-committed, and that Messrs. KING and BUTLER be added to the committee.

A Letter from the Secretary of the Treasury, of this date, together with a Return of the Imports of the United States, was read; and ordered to lie for consideration.

MONDAY, November 21.

The Senate assembled, but the committees not being ready to report, no business was done.

TUESDAY, November 22.

Mr. RUTHERFORD, from the committee to whom was referred the bill to determine the time of choosing Electors of President and Vice President, reported several amendments, which were agreed to, and the further consideration of the bill was postponed.

WEDNESDAY, November 23.

The Senate resumed the second reading of the bill for determining the time of choosing Electors of President and Vice President of the United States;

Ordered, That the bill be re-committed, and that the committee be instructed to report a clause, making provision for the administration of Government, in case of vacancies in the offices of President and Vice President.

THURSDAY, November 24.

A Letter from the Secretary of the Treasury was read, with an estimate exhibiting the value at the several places of shipment of all foreign goods, wares, and merchandise, imported into the United States during the year ending on the 30th day of September, 1790, conformably to the order of the Senate of the 16th of February, 1791.

Ordered, That they lie for consideration.

The Report of the Secretary of War, in pursuance of the order of the Senate, on the petitions of Bernard Elliot, Samuel Wise, Benjamin Huges,

John Bush, Charles Motte, and Richard Shubrick, was read.

Ordered, That the report and petitions lie on the table.

A message from the House of Representatives, informed the Senate that the House of Representatives have passed the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act apportioning Representatives among the people of the several States, according to the first enumeration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States: that is to say, from the State of New Hampshire four members, the State of Massachusetts fifteen, the State of Connecticut seven, the State of Rhode Island two, the State of Vermont two, the State of New York eleven, the State of New Jersey five, the State of Pennsylvania fourteen, the State of Delaware one, the State of Maryland nine, the State of Virginia twenty-one, the State of Kentucky two, the State of North Carolina eleven, and the State of Georgia two members.

SEC. 2. And be it further enacted, That the President of the United States, as soon as the Marshal of the State of South Carolina shall have transmitted to him returns pursuant to the provisions by law for an enumeration of the inhabitants of the United States, shall cause the Executive of the said State to be notified of the number of Representatives to be elected within the said State, according to the proportion aforesaid.

Ordered, That this bill pass to a second reading.

FRIDAY, November 25.

The Senate proceeded to the second reading of the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and, after debate, the further consideration thereof was postponed.

The petition of William W. Smith, for himself, and as administrator of Gilbert Tenant, and on behalf of George Hunter, attorney to Joseph Baker, was read, praying for the payment of certain balances due to the surgeons in the general hospital during the late war.

Ordered, That the petition be referred to the Secretary of the Treasury, to report thereon to the Senate.

MONDAY, November 28.

A Letter from the Secretary of the Treasury of the 26th, with a return of the tonnage of all the vessels employed in the import, coasting, and fish-

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ing trades, of the United States, for one year, ending the 30th of September, 1790, was communicated.

Ordered, That the letter and return lie for consideration.

Mr. BURR, from the committee to whom was referred the bill concerning Consuls and Vice Consuls, reported amendments, which being agreed to, the bill was ordered to a third reading.

The bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," was taken up; and ordered to be printed for the use of the Senate.

Mr. RUTHERFORD, from the committee to whom was recommitted the bill, to determine the time of choosing Electors of President and Vice President of the United States, reported amendments, which were read; and, *Ordered*, that the bill, as proposed to be amended, be printed.

TUESDAY, November 29.

The Senate proceeded to the third reading of the bill concerning Consuls and Vice Consuls; and, after agreeing to sundry amendments,

Resolved, That this bill pass; that the title thereof be "An act concerning Consuls and Vice Consuls;" that it be engrossed, and that the Secretary carry it to the House of Representatives, and desire their concurrence.

The bill is as follows:

An Act concerning Consuls and Vice Consuls.

For carrying into full effect the Convention between his Most Christian Majesty and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice Consuls—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, in the seventh article of the said Convention, it is agreed that when there shall be no consul or vice consul of the Most Christian King, to attend to the saving of the wreck of any French vessel stranded on the coasts of the United States, or that the residence of the said consul or vice consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the district judge of the United States of the district in which such wreck shall happen, shall proceed therein according to the tenor of the said article. The district judges of the United States shall also, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said Convention, and it shall be incumbent on them to give aid to the consuls and vice consuls of his Most Christian Majesty, in arresting and securing deserters from vessels of the French nation, according to the tenor of the said article.

And where, by any article of the said Convention, the consuls and vice consuls of his Most Christian Majesty are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

And whenever commitments to the jails of the country shall become necessary, in pursuance of any stipulation of the said Convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.

And, for the direction of the consuls and vice consuls of the United States, in certain cases,

Sec. 2. Be it enacted by the authority aforesaid: That they shall have right in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations, which such captains, masters, crews, passengers, and merchants, as are citizens of the United States, may respectively choose to make there; and the copies of the said acts, duly authenticated by the said consuls or vice consuls, under the seal of their consulates, respectively, shall receive faith in law equally as their originals would in all courts in the United States. It shall be their duty, where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects; they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others at their choice; shall collect the debts due to the deceased, in the country where he died, and pay the debts due from his estate, which he shall have there contracted; shall sell, at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the Treasury of the United States, to be holden in trust for the legal claimants. But if, at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

For the information of the representative of the deceased, it shall be the duty of the consul or vice consul, authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

Sec. 3. And be it further enacted, That the said consuls and vice consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates, respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners: *Provided*, That no consul or vice consul shall have authority to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof, is present or capable of taking possession of the same.

Sec. 4. And be it further enacted, That it shall and may be lawful for every consul and vice consul of the United States to take and receive the following fees of office, for the services he shall have performed:

For authenticating, under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars.

For the taking into possession, inventorying, selling, and finally settling and paying, or transmitting, as aforesaid, the balance due on the personal estate left by any citizen of the United States, who shall die within the limits of his consulate, five per centum on the gross amount of such estate.

For taking into possession, and otherwise proceeding on, any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is hereinbefore directed, two and a half *per centum* on such part delivered over as shall not be in money, and five *per centum* on the gross amount of the residue.

And it shall be the duty of the consuls and vice consuls of the United States to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

Sec. 5. *And be it further enacted*, That, in case it be found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars, to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the States on the said coast.

Sec. 6. *And be it further enacted*, That every consul and vice consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand, nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law; and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act, and the said bond shall be lodged in the office of the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That, to prevent the mariners and seamen employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness, or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice consuls, respectively, from time to time, to provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man *per diem*; and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice consuls, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, free of cost or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burthen of said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same, on the request or order of the consul or vice consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused; to be recovered for the benefit of the United States, by the said

consul or vice consul, in his own name, in any court of competent jurisdiction.

Sec. 8. *And be it further enacted*, That citizens of the United States appointed to reside in foreign ports and places as consuls or vice consuls of the United States, shall be enabled to own any ships or vessels in their own names, respectively, or in partnership with any other citizen or citizens of the United States residing within the said States, and be entitled to all the privileges and advantages in regard to such ships or vessels, as if such consuls or vice consuls, owning said ships or vessels, actually resided within any port or place within the United States; any law to the contrary notwithstanding.

Sec. 9. *And be it further enacted*, That where a ship or vessel belonging to citizens of the United States is sold in a foreign port or place, the master, unless the crew are liable by their contract, or do consent to be discharged there, shall send them back to the State where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice consul of the United States having jurisdiction of the port or place. And in case of the master's refusal, the said consul or vice consul may (if the laws of the land permit it) cause his ship, goods, and person, to be arrested and held until he shall comply with his duty herein.

Sec. 10. *And be it further enacted*, That the specification of certain powers and duties in this act, to be exercised or performed by the consuls and vice consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

The Senate proceeded in the second reading of the bill to determine the time of choosing Electors of President and Vice President, and, after agreeing to sundry amendments,

Ordered, That this bill pass to a third reading.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and, after debate, the further consideration thereof was postponed.

The petition of John Arthur and others, of the city of New York, distillers of Geneva spirits, was read, in which they pray for such alterations in the mode of collecting the excise on that article as Congress may think expedient.

Ordered, That the petition be referred to the Secretary of the Treasury.

WEDNESDAY, November 30.

The Senate proceeded to the third reading of the bill to determine the time of choosing Electors of President and Vice President, and, after agreeing to amend the same,

Resolved, That this bill pass; that the title thereof be "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President;" that the bill be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The engrossed bill is as follows:

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An Act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except in case of an election of a President and Vice President of the United States, prior to the ordinary period, as hereinafter specified, Electors shall be appointed in each State, for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, 1793, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election,

SEC. 2. *And be it further enacted,* That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the authority thereof; and the Electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice President is contained therein; and shall, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the said certificates; and the said Electors shall forthwith forward, by the post office, to the President of the Senate, at the seat of Government, one other of the said certificates, and shall forthwith cause the other of the said certificates to be delivered to the Judge of that district in which the said Electors shall assemble.

SEC. 3. *And be it further enacted,* That the Executive authority of each State shall cause three lists of the names of the Electors of such State to be made and certified, and to be delivered to the Electors on or before the said first Wednesday in December, and the said Electors shall annex one of the said lists to each of the lists of their votes.

SEC. 4. *And be it further enacted,* That if a list of votes from any State shall not have been received at the seat of Government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of Government.

SEC. 5. *And be it further enacted,* That Congress shall be in session on the second Wednesday in February, 1793, and on the second Wednesday in February succeeding every meeting of the Electors; and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the Constitution.

SEC. 6. *And be it further enacted,* That, in case there shall be no President of the Senate at the seat of Government, on the arrival of the persons intrusted with the lists of the votes of the Electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over, as soon as may be, to the President of the Senate.

SEC. 7. *And be it further enacted,* That the persons appointed by the Electors to deliver the lists of votes to the President of the Senate, shall be allowed, on the delivery of the said lists, twenty-five cents for every mile of the estimated distance, by the most usual road, from

the place of meeting of the Electors to the seat of Government of the United States.

SEC. 8. *And be it further enacted,* That if any person appointed to deliver the votes of the Electors to the President of the Senate, shall, after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

SEC. 9. *And be it further enacted,* 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 of the United States, until the disability be removed, or a President shall be elected.

SEC. 10. *And be it further enacted,* That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the Executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State, specifying that Electors of the President of the United States shall be appointed or chosen in the several States within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided,* There shall be the space of two months between the date of such notification and the said first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the Electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December, in the year next ensuing, within which time the Electors shall accordingly be appointed or chosen; and the Electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said Electors, and others, shall be pursuant to the directions prescribed in this act.

SEC. 11. *And be it further enacted,* That the only evidence of a refusal to accept, or of a resignation of, the office of President or Vice President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept, or resigning, as the case may be, and delivered into the office of the Secretary of State.

SEC. 12. *And be it further enacted,* That the term of four years, for which a President and Vice President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the Electors shall have been given.

The Senate proceeded in the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and

Ordered, That Messrs. ELLSWORTH, BURR, BUTLER, STRONG, and MONROE, be a committee to revise the apportionment of Representatives in the bill.

THURSDAY, December 1.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act for the relief of certain widows, orphans, invalids,

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and other persons," in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act for the relief of certain widows, orphans, invalids, and other persons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of the late Captain Robert Lewis, Colonel William Douglass, Colonel Owen Roberts, Major Andrew Leitch, Captain William White, Lieutenant John Harris, Colonel William Bond, Lieutenant Wadleigh Noyes, Lieutenant-colonel Bernard Elliot, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, Major Charles Motte, and Captain Richard Shurbrick, deceased, all of whom were killed or died in the service of the United States, for the seven years half pay stipulated by the resolve of Congress of the 24th day of August, 1780; and that the Register of the Treasury do issue his certificates accordingly.

Sec. 2. And be it further enacted, That the Secretary of the Department of War be, and he hereby is, required to place on the invalid list Timothy Mix, disabled in the late war, by the loss of his right hand, while in the service of the United States, at the rate of five dollars per month, to commence on the 4th day of February, 1788: That the said Secretary place on the invalid list Abel Turney, mariner, disabled while in the service of the United States, at the rate of one dollar per month, to commence on the 1st day of January, 1781.

Sec. 3. And be it further enacted, That the arrears of the said pensions be paid as the laws direct in similar cases.

Sec. 4. And be it further enacted, That the Comptroller of the Treasury be, and he hereby is, directed to adjust the accounts of Joseph Pannill, a Lieutenant-colonel in the service of the United States, during the late war, and to allow him the usual commutation of the half pay for life of a Lieutenant-colonel; and that the Register of the Treasury be, and he hereby is, required to grant a certificate for the amount thereof accordingly: That the Comptroller adjust the account of the late Brigadier-general De Haas, admitting to the credit of the said account such sums as by evidence shall appear to have been advanced for the public service; and that the said Register do grant a certificate for the balance due on such settlement: That the said Comptroller adjust the account of Thomas M'Intire, a Captain in the service of the United States, during the late war, and allow him the usual commutation of the half pay for life of a captain; and that the said Register grant a certificate for the amount thereof accordingly.

Sec. 5. And be it further enacted, That the Comptroller of the Treasury be, and he hereby is, required to adjust the account of Francis Suzor Debevers, a Surgeon's-mate in the service of the United States, during the late war, and who remained in captivity to the end thereof; and that the Register of the Treasury be, and he hereby is, required to grant a certificate for the amount which shall be found due for the services of the said Francis Suzor Debevers: That the said Comptroller adjust the account of Robert King, as a Lieutenant, de-ranked upon the principles of the act of the late Congress, passed the 24th day of November, 1778; and that the said Register grant a certificate accordingly: That the Comptroller adjust the account of Lemuel Sherman, as a Sailing-master of a galley on Lake Champlain, and

as such taken prisoner; and that the said Register grant a certificate accordingly.

Sec. 6. And be it further enacted, That there be granted to Nicholas Ferdinand Westfall, who left the British service and joined the army of the United States, during the late war, one hundred acres of unappropriated land in the western territory of the United States, free of all charges; and, also, the sum of three hundred and sixty-six dollars, out of any money appropriated to the contingent charges of Government.

Ordered, That this bill pass to a second reading.

FRIDAY, December 2.

The Senate proceeded to the second reading of the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Ordered, That all bills, after the first reading, be printed for the use of the Senate.

MONDAY, December 5.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act for the relief of David Cook and Thomas Campbell;" in which they ask the concurrence of the Senate.

The bill was read the first time, as follows:

An Act for the relief of David Cook and Thomas Campbell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David Cook, a Captain of artillery in the late war, and who, being shot through the body at the battle of Monmouth, is rendered incapable to obtain his livelihood by labor, shall be placed on the pension list of the United States, and shall be entitled to one-third of his monthly pay as a Captain of artillery: *Provided,* That he return into the Treasury office two-thirds of his commutation of half pay, being the proportion of his pension to the amount of his commutation.

Sec. 2. And be it further enacted, That Thomas Campbell be placed on the pension list, and that the half pay of a Captain of infantry be allowed to the said Thomas Campbell, who has been so injured by repeated wounds in the service of his country that he is unable to support himself by labor; the half pay to commence from the 3d day of November, 1791; anything in the ordinance of Congress of the 11th day of July, 1788, to the contrary notwithstanding.

Ordered, That this bill pass to a second reading.

The Senate then proceeded in the second reading of the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Ordered, That this bill be committed to Messrs. WINGATE, MORRIS, and GUNN, to report generally thereon.

A Letter from the Treasurer of the United States of the 3d instant, together with his specie accounts made up to the 30th of September, 1791, were read; and ordered to lie for consideration.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration,"

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reported amendments; and, after debate, the further consideration thereof was postponed until tomorrow.

TUESDAY, December 6.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of David Cook and Thomas Campbell;" and,

Ordered, That this bill be referred to the committee appointed yesterday to take into consideration the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," to report thereon.

The Senate resumed the second reading of the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and, after progress, the further consideration thereof was postponed until tomorrow.

Mr. BUTLER reported from the committee to whom was referred the petition of Charles Colvill, on the 4th of November last, and to whom was also referred the communications relative to the prisoners at Algiers; and the report being read, it was ordered to lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives have appointed a committee on their part, jointly with such committee as shall be appointed on the part of the Senate, to consider and report to Congress the most eligible manner for carrying into effect the Resolution of the United States in Congress assembled, of the 17th of August, 1783, directing that an Equestrian Statue of General WASHINGTON should be erected.

The resolution was then read; and ordered that the consideration thereof be postponed until tomorrow.

WEDNESDAY, December 7.

The petition of William B. Gould was read, praying that the Auditor of the Treasury may be empowered to adjust the accounts of his late father, a surgeon in the service of the United States, the deficiency of vouchers notwithstanding.

On motion that this petition be referred to the committee, appointed the 5th of December, to take into consideration the bill sent from the House of Representatives, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," it passed in the negative.

On motion that the petition be referred to a special committee, it was agreed that this motion be postponed.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and a motion was made to amend the bill, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agree-

ably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty-three thousand persons in each State, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, four members; the State of Massachusetts, fourteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, ten; the State of New Jersey, five; the State of Pennsylvania, thirteen; the State of Delaware, one; the State of Maryland, eight; the State of Virginia, nineteen; the State of Kentucky, two; the State of North Carolina, ten; and the State of Georgia, two members:"

And it was agreed to postpone this, to take into consideration the following motion:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, five members; the State of Massachusetts, sixteen; the State of Connecticut, eight; the State of Rhode Island, two; the State of Vermont, three; the State of New York, eleven; the State of New Jersey, six; the State of Pennsylvania, fourteen; the State of Delaware, two; the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, twelve; and the State of Georgia, two members. And if, after apportioning a Representative to every thirty thousand persons of the State of South Carolina, computed according to the rule prescribed in the Constitution of the United States, there shall remain a fractional part of the number of persons of that State, equal to, or greater than, ten thousand eight hundred and forty two, then the people of the State of South Carolina shall be entitled to choose an additional Representative; but if such fractional part shall be less than ten thousand eight hundred and forty-two, and more than ten thousand three hundred and seventeen, then the people of the State of Georgia shall be entitled to choose three Representatives, instead of the number before mentioned to be chosen in that State."

It was then agreed to divide this last motion, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, five members; the State of Massachusetts, sixteen; the State of Connecticut, eight; the State of Rhode Island, two; the State of Vermont, three; the State of New York, eleven; the State of New Jersey, six; the State

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of Pennsylvania, fourteen; the State of Delaware, two; the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, twelve; and the State of Georgia, two members."

And the yeas and nays being required by one-fifth of the Senators present, on this last recited clause; it was decided in the negative, as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Ellsworth, King, Langdon, Read, Robinson, and Rutherford.—9.

NAYS.—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, Stanton, Sherman, Strong, and Wingate.—15.

And on the question for the original motion postponed, the yeas and nays being required by one-fifth of the Senators present, stood as follows:

YEAS.—Messrs. Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—11.

NAYS.—Messrs. Bradley, Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, and Morris.—13.

So it passed in the negative.

On motion that the following amendment proposed yesterday and passed in the negative, be reconsidered, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of one hundred and six members, and the number hereinafter apportioned to the State of South Carolina, who shall have been chosen by the people of the several States, in proportion, as nearly as may be, to the number of inhabitants in each State, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, four members; the State of Massachusetts, fifteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, three; the State of New York, ten; the State of New Jersey, six; the State of Pennsylvania, thirteen; the State of Delaware, two; the State of Maryland, nine; the State of Virginia, twenty; the State of Kentucky, two; the State of North Carolina, eleven; and the State of Georgia two members."

The yeas and nays were required by one-fifth of the Senators present, and being taken, stood as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Ellsworth, Langdon, Robinson, Sherman, Strong, and Wingate.—9.

NAYS.—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, Morris, Read, Rutherford, and Stanton.—15.

So it passed in the negative.

On the question to agree to the following clause of the bill, as it came from the House of Representatives, to wit:

"That is to say: From the State of New Hampshire, four members; the State of Massachusetts, fifteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, eleven; the State of New Jersey, five; the State of Pennsylvania, fourteen; the State of Delaware, one;

the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, eleven; and the State of Georgia, two members."

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

YEAS.—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, Read, and Stanton.—13.

NAYS.—Messrs. Bradley, Burr, Cabot, Ellsworth, King, Langdon, Robinson, Rutherford, Sherman, Strong, and Wingate.—11.

So it passed in the affirmative.

And, after agreeing to sundry amendments, the bill was ordered to the third reading.

THURSDAY, December 8.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act making appropriations for the support of Government for the year 1792," in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act making appropriations for the support of Government for the year 1792.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the service of the year 1792, and the support of the civil list of the United States, including the incidental and contingent expenses of the several departments and offices thereof, there shall be appropriated a sum of money, not exceeding three hundred and twenty-eight thousand six hundred and fifty-three dollars and fifty-six cents; that is to say:

For the compensations granted by law to the President of the United States, the Vice President, Chief Justice, associate Judges, and Attorney General, fifty-three thousand dollars.

For the like compensations to the district judges, nineteen thousand eight hundred dollars.

For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two Houses, estimated on a session of six months' continuance, and including the traveling expenses of the members, one hundred and twenty-nine thousand seven hundred and thirty dollars.

For the like compensations to the Secretary, and officers of the several departments of the Treasury of the United States, including clerks and attendants, and the salaries of the respective loan officers, sixty thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of State, six thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of War, nine thousand six hundred dollars.

For the like compensations to the members of the Board of Commissioners for the settlement of the accounts between the United States and the individual States, including clerks and attendants, thirteen thousand one hundred dollars.

For the like compensations to the Governors, Judges, and other officers of the Western Territory of the Uni-

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ted States, including contingencies, eleven thousand dollars.

For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

For the payment of sundry pensions granted by the late Government, two thousand seven hundred and sixty-seven dollars and seventy-three cents.

For defraying all other incidental and contingent expenses of the civil list establishment, including firewood, stationery, together with the printing work, and all other contingent expenses of the two Houses of Congress, rent and office expenses of the three several Departments, namely: Treasury, State, War, and of the general Board of Commissioners, twenty thousand five hundred and fifty-five dollars and eighty-three cents.

Sec. 2. *And be it further enacted*, That, for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations for the support of the civil list establishment, and for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand one hundred and nineteen dollars and forty-nine cents; that is to say:

For discharging a balance due on a liquidated claim of his Most Christian Majesty, against the United States, for supplies during the late war, nine thousand and twenty dollars and sixty-eight cents.

For payment of the principal and interest on a liquidated claim of Oliver Pollock, late commercial agent of the United States, at New Orleans, for supplies of clothing, arms, and military stores, during the late war, one hundred and eight thousand six hundred and five dollars and two cents.

For making good deficiencies in the last appropriations for the compensations to sundry officers of the civil list establishment, five thousand four hundred and seventy-one dollars.

For defraying sundry authorized expenses to the commissioners of loans in the several States, twenty-one thousand dollars.

For defraying a balance of certain liquidated and contingent expenses in the Treasury Department, two thousand eight hundred dollars.

For defraying the additional expense of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars and seventy-nine cents.

For making good a deficiency in former appropriations, to discharge the expenses of clerks, jurors, and witnesses, in the courts of the United States, five thousand dollars.

For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, sixteen thousand dollars.

For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

For the purchase of hydrometers for the use of the officers in execution of the laws of the revenue, one thousand dollars.

For the further expense of building and equipping ten cutters, two thousand dollars.

Sec. 3. *And be it further enacted*, That, for the support of the military establishment of the United States, in the year 1792; the payment of the annual allow-

ances to the invalid pensioners of the United States; for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years 1790 and 1791, by virtue of the authority vested in the President of the United States, by the acts relative to the military establishment, passed the 29th of September, 1789, and the 30th of April, 1790, and for which no appropriations have been made, there shall be appropriated a sum of money not exceeding five hundred and thirty-two thousand four hundred and forty-nine dollars seventy-six cents and two-thirds of a cent; that is to say:

For the pay of the troops, one hundred and two thousand six hundred and eighty-six dollars.

For subsistence, one hundred and nineteen thousand six hundred and eighty-eight dollars and ninety-seven cents.

For clothing, forty-eight thousand dollars.

For forage, four thousand one hundred and fifty-two dollars.

For the hospital department, six thousand dollars.

For the quartermaster's department, fifty thousand dollars.

For the ordnance department, seven thousand two hundred and four dollars and sixty-four cents.

For the contingent expenses of the War Department, including maps, hire of expresses, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, twenty thousand dollars.

For the discharge of certain sums due for pay and subsistence of sundry officers of the late army, and for pay of the late Maryland line, for which no appropriations have been made, ten thousand four hundred and ninety dollars and thirty-six cents.

For the payment of the annual allowances to invalid pensioners, eighty-seven thousand four hundred and sixty-three dollars sixty cents and two-thirds of a cent.

For defraying all expenses incident to the Indian department, authorized by law, thirty-nine thousand four hundred and twenty-four dollars and seventy-one cents.

For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, thirty-seven thousand three hundred and thirty-nine dollars and forty-eight cents.

Sec. 4. *And be it further enacted*, That the several appropriations herein-before made, shall be paid and discharged out of the funds following, to wit: First, out of the sum of six hundred thousand dollars, which, by the act, entitled "An act making provision for the debt of the United States," is reserved yearly for the support of the Government of the United States, and their common defence; and, secondly, out of such surplus as shall have accrued to the end of the present year, upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the public debt, during the same year, and for satisfying other prior appropriations.

Ordered, That this bill pass to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," was read the third time, and,

On motion to expunge the first section of the bill, and substitute the following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress

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assembled. That, from and after the 3d day of March, 1793, and until otherwise provided for by law, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty-three thousand persons in each State, computed according to the rule prescribed by the Constitution of the United States, that is to say; from the State of New Hampshire, four members; the State of Massachusetts, fourteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, ten; the State of New Jersey, five; the State of Pennsylvania, thirteen; the State of Delaware, one; the State of Maryland, eight; the State of Virginia, nineteen; the State of Kentucky, two; the State of North Carolina, ten; and the State of Georgia, two members."

The yeas and nays being taken, stood as follows:

YEAS.—Messrs. Bradley, Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—12.

NAYS.—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, and Morris.—12.

The number of votes being equal, the Vice President determined the question in the affirmative; and,

On motion, that this bill pass with the last recited and the following amendment, to wit:

Strike out the words "State of," and insert "district" after the word "Carolina."

The yeas and nays being taken, stood—

YEAS.—Messrs. Bradley, Cabot, Ellsworth, Few, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—14.

NAYS.—Messrs. Burr, Butler, Dickinson, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, and Morris.—10.

So it was resolved that this bill pass as amended.

Ordered. That the Secretary desire the concurrence of the House of Representatives in the amendments.

The Senate took into consideration the report of the committee appointed on the 4th of November on the petition of Charles Colvill, and agreed that the first part of the report be postponed; and, after debate on the other parts of the report, the further consideration thereof was postponed.

FRIDAY, December 9.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1792," was read the second time.

Ordered. That it be referred to Messrs. MONROE, SHERMAN, BURR, GUNN, and READ, to consider and report generally thereon.

The committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of David Cook and Thomas Campbell," reported the bill without amendment.

Ordered. That the report lie for consideration.

MONDAY, December 12.

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

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

It is with great concern that I communicate to you the information received from Major General St. Clair, of the misfortune which has befallen the troops under his command.

Although the national loss is considerable, according to the scale of the event, yet it may be repaired without great difficulty, excepting as to the brave men who have fallen on the occasion, and who are a subject of public as well as private regret.

A further communication will shortly be made of all such matters as shall be necessary to enable the Legislature to judge of the future measures which it may be proper to pursue.

G. WASHINGTON.

UNITED STATES, December 12, 1791.

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

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of David Cook and Thomas Campbell;" and, after agreeing to sundry amendments in it, the bill passed to the third reading.

TUESDAY, December 13.

The memorial of James Wilson and others, in behalf of the Illinois and Ouabache Land companies, was read, praying that they may be confirmed in their title, for reasons mentioned in their memorial.

Ordered. That the memorial lie on the table.

A Message from the President of the United States was received, as follows:

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

I place before you the plan of a City that has been laid out within the district of Ten Miles Square, which was fixed upon for the Permanent Seat of the Government of the United States.

G. WASHINGTON.

UNITED STATES, December 13, 1791.

Mr. MONROE, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1792," reported the bill with amendments, which were agreed to.

Ordered. That this bill pass to a third reading.

The Senate proceeded to the third reading of the bill, entitled "An act for the relief of David Cook and Thomas Campbell; and

Resolved. That this bill pass, with amendments.

Ordered. That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

WEDNESDAY, December 14.

The petition of Zaccheus Hunt, of the State of New Hampshire, that he may be placed on the

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list of invalid pensioners of the United States, for reasons mentioned in the petition, was read; and,

Ordered, That it be referred to the Secretary of War, to report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate to the bill, entitled "An act for the relief of David Cook and Thomas Campbell."

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1792;" and, after progress, the further consideration thereof was postponed.

Ordered, That Messrs. BURR, BUTLER, and STRONG, be a committee to revise the acts and resolves relative to the compensations to disabled officers and soldiers, and to the widows and orphans of deceased officers; and to report what alterations and further general regulations it will be proper to make therein.

MR. WINGATE, from the committee on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," reported amendments.

Ordered, That the consideration thereof be postponed.

THURSDAY, December 15.

The petition of Elijah Janes, of the State of New York, late a lieutenant in Colonel Sheldon's regiment of cavalry, that he may be placed on the list of invalid pensioners of the United States, was read; and referred to the committee appointed on the 14th instant, to consider the case of invalid pensioners at large.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to the first amendment of the Senate on the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," and agree to the other amendment.

The Senate proceeded to consider the resolution of the House of Representatives on the amendments of the Senate to the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and,

On motion to postpone the consideration of the bill until to-morrow se'nnight, it passed in the negative.

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

On motion to recede from the amendments disagreed to by the House of Representatives, the yeas and nays being required by one-fifth of the Senators present, stood as follows:

YEAS.—Messrs. BURR, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, and Morris.—12.

NAYS.—Messrs. Bradley, Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—12.

The numbers being equal, the Vice President determined the question in the negative.

On motion to insist on the amendment disagreed to by the House of Representatives, and appoint a committee of conference, it passed in the negative.

And it was resolved, that the Senate insist on the amendment disagreed to by the House of Representatives.

The Senate resumed the second reading of the bill, entitled "An act making appropriations for the support of Government for the year 1792;" and, after progress, the further consideration thereof was postponed until to-morrow.

Ordered, That Messrs. STRONG, SHERMAN, ELLSWORTH, IZARD, and BURR, be a committee to take into consideration the memorial of the Illinois and Ouabache land companies, and to report thereon.

FRIDAY, December 16.

The Senate resumed the second reading of the bill, entitled "An act making appropriations for the support of Government for the year 1792;" and, after agreeing to sundry amendments,

Ordered, That this bill pass to a third reading.

MONDAY, December 19.

The petition of Gilbert Dench, of the State of Massachusetts, in behalf of the orphan children of the late Roger Dench, a lieutenant in the service of the United States, was read, praying that the said children may be authorized to receive the half pay of a lieutenant, in right of their father.

Ordered, That the petition lie on the table.

The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government, for the year 1792;" and,

Resolved, That this bill pass, with amendments:

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

[The following clause to be added to the first section of the bill, is the only material amendment, viz:

"*And be it further enacted*, That the compensation to the Doorkeepers of the two Houses for services which have been heretofore rendered, or may be rendered in the recess of Congress, for the year 1792, and certified by the President of the Senate, or Speaker of the House of Representatives, in manner required by law, for like services during sessions, shall be discharged out of the money hereinbefore appropriated for the contingent expenses of the two Houses of Congress."]

TUESDAY, December 20.

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

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

I lay before you the copy of a Letter which I have received from the Governor of the Commonwealth of

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Pennsylvania, and of sundry documents which accompanied it, relative to a contract for the purchase of a certain tract of land bounding on Lake Erie; together with a copy of a Report of the Secretary of State on the same subject.

G. WASHINGTON.

UNITED STATES, December 20, 1791.

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

The petition of Jonathan Woolley, late of Colonel Scammel's regiment in the service of the United States, was read, praying that he may be placed on the list of invalid pensioners.

Ordered, That this petition be referred to the committee appointed December 14th, to revise the acts and resolves relative to the compensations to disabled officers and soldiers, and to the widows and orphans of deceased officers.

A message from the House of Representatives informed the Senate, that the House of Representatives adhere to their disagreement to the first amendment insisted on by the Senate, to the bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration."

Mr. CABOT requested leave to bring in "a bill for the encouragement of the bank and other cod-fisheries, and for the regulation and government of the fishermen employed therein;" and the bill was read the first time, and ordered to pass to the second reading.

The Senate proceeded to consider the resolution of the House of Representatives, in which they resolve to adhere to their disagreement to the first amendment of the Senate to the bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and,

On the question to adhere, the yeas and nays were required by one-fifth of the Senators present, and being taken, stood—

YEAS.—Messrs. Bradley, Cabot, Ellsworth, Foster, King, Langdon, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—12.

NAYS.—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, and Read.—12.

The numbers being equal, the Vice President determined the question in the affirmative.

So it was resolved that the Senate adhere to their said first amendment.

Ordered, That the Secretary communicate this resolution to the House of Representatives.

WEDNESDAY, December 21.

RICHARD HENRY LEE, from the State of Virginia, attended, and took his seat.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate to the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1792."

A motion was made, "That a committee be appointed to prepare and report a bill for apportioning Representatives among the people of the several States, agreeably to the Constitution and the late census, and as near as may be according to the first article of the amendments of the Constitution, recommended by Congress to the several States for their ratification."

Ordered, That this motion be taken into consideration to-morrow.

Mr. MORRIS, from the committee appointed the 30th of October, reported "A bill establishing a Mint, and regulating the coins of the United States;" which was read the first time, and passed to the second reading.

THURSDAY, December 22.

The bill "for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," was read the second time.

Ordered, That it be committed to Messrs. CABOT, IZARD, SHERMAN, MORRIS, and LEE, to consider and report thereon.

The Senate proceeded to the consideration of the motion made yesterday, to wit:

"That a committee be appointed to prepare and report a bill for apportioning representatives among the people of the several States, agreeably to the Constitution and the late census, and as near as may be to the first article of the amendments of the Constitution, recommended by Congress to the several States for their ratification;" and,

Ordered, That the motion be postponed.

FRIDAY, December 23.

Mr. IZARD presented the petition of a number of the merchants of Charleston, South Carolina, for relief, under peculiar hardships and sufferings consequent to the late war; which was read.

Ordered, That the petition lie on the table.

The petition of Gilbert Dench, in behalf of the orphan children of the late Roger Dench, a lieutenant in the service of the United States, was taken up, and referred to the Secretary of War, to report to the Senate thereon.

MONDAY, December 26.

The Senate proceeded to the second reading of "the bill establishing a Mint, and regulating the coins of the United States;" and, after progress, the further consideration thereof was postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill entitled "An act for carrying into effect a contract between the United States and the State of Pennsylvania;" in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for carrying into effect a contract between the United States and the State of Pennsylvania," was read the first time, as follows:

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An Act for carrying into effect a contract between the United States and the State of Pennsylvania.

For duly conveying, to the State of Pennsylvania, a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said State by a resolution of Congress, of the 4th day of September, in the year 1788, and whereof the right of soil has been sold by virtue of a previous resolution of Congress, of the 6th day of June, in the said year:

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 authorized, on fulfilment of the terms stipulated on the part of the State of Pennsylvania, to issue letters patent in the name, and under the seal, of the United States, granting and conveying to the said State, forever, the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the 6th day of June, 1788.

Ordered, That this bill pass to a second reading.

TUESDAY, December 27.

The Senate proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for carrying into effect a contract between the United States and the State of Pennsylvania."

Ordered, That this bill pass to the third reading.

The Senate resumed the second reading of "the bill establishing a Mint, and regulating the coins of the United States;" and, after progress, the further consideration thereof was postponed until Monday next.

WEDNESDAY, December 28.

The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for carrying into effect a contract between the United States and the State of Pennsylvania;" and *Resolved,* that this bill pass.

Mr. CABOT, from the committee to whom was referred "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," reported amendments; and, after progress, the further consideration thereof was postponed.

Ordered, That the Secretary of the Treasury be requested to certify the quantum of allowance in lieu of drawback on exported, dried, and pickled fish, which hath been paid under "the act for laying a duty on goods, wares, and merchandises, imported into the United States," of the 4th of July, 1789. And also the quantum of bounty paid on the exportation of dried or pickled fish, under "the act for making further provision for the payment of the debts of the United States," of the 10th of August, 1790.

A Message from the President of the United States was received, inclosing for consideration the copy of a Letter which he had received from the Attorney General of the United States.

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

THURSDAY, December 29.

The consideration of the report of the committee on "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," was further postponed.

FRIDAY, December 30.

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

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

I lay before you a copy of the ratification, by the Commonwealth of Virginia, of the articles of amendment proposed by Congress to the Constitution of the United States, and a copy of a Letter which accompanied said ratification, from the Governor of Virginia.

G. WASHINGTON.

UNITED STATES, December 30, 1791.

The papers referred to in the Message are as follow:

COUNCIL CHAMBER,
Richmond, Dec. 22, 1791.

SIR: The General Assembly, during their late session, have adopted, on the part of this Commonwealth, all the amendments proposed by Congress to the Constitution of the United States; their ratification whereof I do myself the honor herewith to transmit.

I have the honor to be, &c.,
HENRY LEE.

The PRESIDENT of the United States.

VIRGINIA:

General Assembly, begun and held at the Capitol, in the city of Richmond, on Monday, the 17th day of October, in the year of our Lord 1791.

MONDAY, December 5, 1791.

Resolved, That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.

December 15, 1791: Agreed to by the Senate.

JOHN PRIDE, S. S.

Examined. THOS. MATTHEWS, S. H. D.

[For the ratification of the first article see ante, p. 29.]

MONDAY, January 2, 1792.

The Senate proceeded to the second reading of the bill establishing a Mint, and regulating the coins of the United States; and, after progress, the further consideration thereof was postponed.

TUESDAY, January 3.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," in which they desire the concurrence of the Senate.

The Senate resumed the second reading of "the bill establishing a Mint, and regulating the coins of the United States;" and, after progress, the further consideration thereof was postponed.

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The bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," was read the first time, as follows:

An Act to extend the time limited for settling the accounts of the U. States with the individual States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers of the Board of Commissioners which, by an act passed in the second session of the first Congress was established to settle the accounts between the United States and individual States, shall continue until the 1st day of July, 1793, unless the business shall be sooner accomplished.

SEC. 2. *And be it further enacted,* That, from and after the passing of this act, the pay of the principal clerk of the said Board shall be the same as the pay of a principal clerk in the Auditor's office.

Ordered, That this bill pass to a second reading.

WEDNESDAY, JANUARY 4.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

The petition of Patrick Ferral, clerk to the Board of Commissioners for settling the accounts between the United States and individual States, was read, praying for an addition to his compensation; also, sundry communications from the said Board of Commissioners; and it was agreed that the further consideration of the last mentioned bill be postponed.

The Senate resumed the second reading of "the bill establishing a Mint, and regulating the coins of the United States;" and made some progress therein.

THURSDAY, JANUARY 5.

The Senate resumed the second reading of the bill, entitled "An act establishing a Mint, and regulating the coins of the United States."

Ordered, That this bill pass to the third reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

Ordered, That this bill be referred to Messrs. BRADLEY, MONROE, and ELLSWORTH, to consider and report generally thereon.

The Senate resumed the second reading of "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein;" and, after agreeing to sundry amendments, the further consideration thereof was postponed.

Ordered, That the consideration of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," be the order of the day for to-morrow.

FRIDAY, JANUARY 6.

CHARLES CARROLL, from the State of Maryland, attended, and took his seat.

The Report of the Secretary of the Treasury, on the drawback on dried and pickled fish exported, in conformity to the order of Senate of the 26th ultimo, was read.

Ordered, That the Report, and papers therein referred to, lie for consideration.

Ordered, That the consideration of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," be further postponed.

MONDAY, JANUARY 9.

RICHARD BASSETT, from the State of Delaware, attended, and took his seat.

The petition of Isaac Ledyard, of the State of Connecticut, for the re-settlement of his account, for reasons stated in his petition, was read.

Ordered, That the petition be referred to the committee appointed on the 14th of December last, to revise the acts and resolves relative to the compensations of disabled officers and soldiers, and to the widows and orphans of deceased officers.

The Senate proceeded to the third reading of "the bill establishing a Mint, and regulating the coins of the United States," and agreed to sundry amendments, as follow:

SEC. 1. Expunge the latter part of the section, and make the following the second section, to wit:

SEC. 2. *And be it further enacted,* That the director of the Mint shall employ as many clerks, workmen, and servants, as he shall, from time to time, find necessary, subject to the approbation of the President of the United States.

And to number the subsequent sections accordingly.

On motion to amend section sixth, by inserting after the word "accounts," in the amendment, these words:

"Of the disbursements of the said Mint shall be rendered by the director thereof, at the Treasury of the United States, for settlement, according to the rules prescribed for the adjustment of accounts against the United States, in other cases: And the said director shall, likewise, once in each year, make a report to Congress of the transactions of the said Mint, accompanied by an abstract of the settlement of said disbursements, which abstract shall be certified by the Comptroller of the Treasury."

The motion passed in the negative.

On motion to amend section 9, of the original bill, as follows:

Strike out the words "and silver."

And after the word "America," erase to the end of the section, and in lieu thereof insert—

"And upon the reverse of each of the said silver coins, in the centre of the exergue, there shall be an engraving of two hands united, and around the margin of the piece as many circles linked together as there shall be States in the Union at the time of the coinage, each circle containing the initial letters of the name of its respective State; and between the representation of

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the united hands and the circles aforesaid, there shall be this inscription in an annular form, 'Dollar of the United States of America,' where the coinage shall be of a dollar, but where the coinage shall be of parts of a dollar, expressing the same accordingly.

"And on the reverse of each of the said copper coins, there shall be a representation of America, in the usual female figure of Justice holding balanced scales, with this inscription, 'To all their due.' And around the margin this legend, expressive of the denomination of the piece, 'Cent of the United States of America,' or half cent, as the case may be."

This motion passed in the negative.

After further progress in the bill, the Senate adjourned.

TUESDAY, January 10.

Mr. BURR reported, from the committee appointed the 14th December last, to revise the acts and resolves relative to the compensations to disabled officers and soldiers, and to the widows and orphans of deceased officers.

Ordered, That the report lie for consideration.

Mr. BRADLEY, from the committee appointed the 5th of January, on the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," reported sundry amendments, which were adopted; and the bill was ordered to pass to the third reading.

The Senate proceeded to consider the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Ordered, That this bill be committed to Messrs. BURR, STRONG, and BUTLER, who are also to consider and report such further general provisions as they shall conceive necessary for the relief of the widows and orphans of officers who were killed, or died, and officers and soldiers who were disabled in service during the late war.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to establish the Post Office and Post Roads within the United States," in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act to establish the Post Office and Post Roads within the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act, the following roads be established as post roads, namely: From Wiscasset, in the district of Maine, to Savannah, in Georgia, by the following route, to wit: Portland, Portsmouth, Exeter, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charlestown, Havre-de-Grace, Harford, Baltimore, Bladensburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House,

Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, New Bridge over Drowning Creek, Cheraw Court House, Cambden, Statesburg, Columbia, Cambridge, and Augusta, and from thence to Savannah; and from Augusta to Washington, by the great falls of Ogechee; and from Statesburg to Charleston; and from Charleston to Georgetown; from Charleston to Savannah; and from Savannah, by Newport Bridge, to Sunbury; and also from Exeter to Concord, in New Hampshire; and from Salem to Marblehead; and from Salem to Gloucester; and from Boston, by Providence, Newport, and New London, to New Haven; and from Boston through Taunton, to New Bedford; and from Taunton, through Warren and Bristol, to Newport; also, from Taunton to Plymouth, and thence to Boston, and from Springfield, in the State of Massachusetts, to Kinderhook, in the State of New York; and from Springfield, through Northfield and Charlestown, to Windsor, in Vermont; and from Stockbridge, in Massachusetts, to Bennington, Manchester, and Rutland, in Vermont; and from Hartford, by Middletown, to New London; also, from Hartford to Norwich and Providence; and from Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Bedford, and Greensburg, to Pittsburg; and from Wilmington, by Warwick, Georgetown, Cross Roads, Chestertown, Chester Mills, and Easton, to Vienna; also, from Wilmington, by Duck Creek to Dover, and from thence, by Dagsborough, to Northampton court house, in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Piscatawa, Port Tobacco, Allen's fresh, and Chaptico, to Leonardtown; and from Richmond, by Williamsburg, Yorktown, and Hampton, to Norfolk; and from Fredericksburg, by Port Royal and Tappahannock, to Urbanna; and from Petersburg; by Cabin point, Smithfield, and Suffolk, to Portsmouth, and from Suffolk to Edenton and Washington; and from Washington to Newbern, and thence to Wilmington; and from Fayetteville, by Elizabethtown, to Wilmington; and from Halifax, by Hillsborough, to Salisbury; and from New York to Albany; from New York to Hartford, through White Plains, North Castle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harrington, and Farmington; from Elizabethtown, by Morristown, to Sussex court house; from Alexandria, by Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham court house, to Staunton; and from Richmond, by Charlottesville, Staunton, Lexington, Fincastle, Montgomery court house, Wythe court house, Abingdon, and Hawkin's court house, in the territory south of the river Ohio, to Danville, in Kentucky; and from Baltimore, by Fredericktown and Sharpsburg, to Hagerstown, and from thence to Chambersburg: *Provided*, That the route by which the mails are at present conveyed shall in no case be altered, without the consent of the contractors, till the contracts made by the Postmaster General shall be determined.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the Postmaster General to enter into contracts, for a term not exceeding five years, for extending the line of posts, and to authorize the person or persons so contracting to receive, during the continuance of such contract, according to the rates by this act established, all the postage which shall arise on letters, newspapers, and packets, conveyed by any such post; and the roads therein designated shall, during the continuance of such contract, be deemed and considered as post roads, within the terms and provisions of this act: *Provided*, That no such contract shall be made to the diminution of the revenue of the General Post Office,

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and that a duplicate of every such contract, under hand and seal, shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the Treasury of the United States.

SEC. 3. *And be it further enacted*, That there shall be established, at the seat of the Government of the United States, a General Post Office; and there shall be one Postmaster General, who shall have authority to appoint an assistant and deputy postmasters, at all places where such shall be found necessary: and he shall provide for carrying the mail of the United States by stage carriages or horses, as he may judge most expedient, and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper; and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the post office. He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the department, in all the duties that are or may be assigned to it; and also to direct the route or road, where there are more than one between the places above established; which route or road shall be considered as the post road.

SEC. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies the accounts and vouchers of their receipts and expenditures, and the balances due thereon; and shall return to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts; and shall pay, quarterly, into the Treasury of the United States, the balance in his hands. And the Postmaster General and his assistant, and the deputy postmasters, and such as they may employ in their offices, shall, respectively, before they enter upon the duties, or be entitled to receive the emoluments of their offices, take and subscribe, before some justice of the peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General: "I do swear (or affirm, as the case may be,) that I will not wilfully, knowingly, and knowingly, open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained, or delayed, any letter or packet which shall come into my hands, power, or custody, by reason of my employment in, or relating to, the post office, except by the consent of the person to whom the same is directed, or except in such cases where the party to whom such letter or packet shall be directed, or who is charged with the postage thereof, shall refuse or neglect to pay the postage; and except such letters or packets as shall be returned for want of true directions, or where the party to whom the same are addressed cannot be found; and that I will not, any way, embezzle any such letter or packet." And the contractors for carrying the mail, and their agents or servants, to whom the care of the mail shall be entrusted, shall, before their discharging the said trust, take and subscribe the following oath or affirmation, and cause a certificate thereof to be filed, as aforesaid: "I do swear (or affirm, as the case may be,) that I will faithfully execute and perform all the duties required of me, and abstain from every thing forbidden by the act, entitled "An act to establish the post office and post roads within the United States."

SEC. 5. *And be it further enacted*, That it shall be the duty of the Postmaster General to provide for the conveyance across any ferry of the mail and the carriages, and the horses carrying the same. And if any person shall obstruct or retard the passage of the mail,

or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine, not exceeding one hundred dollars. And if any ferryman shall, by wilful negligence, or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay, for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General to give public notice, in one or more of the newspapers published at the seat of Government of the United States, for at least twelve weeks before the entering into any contract for the conveyance of the mail, that such contract is intended to be made, and the day on which it shall be concluded; describing the places from and to which such mail is to be conveyed; the time at which it is to be made up, the day and hour at which it is to be delivered, and the penalty or penalties for non-performance of the stipulations. He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals which he shall have received respecting the same, in the office of the Comptroller of the Treasury of the United States.

SEC. 7. *And be it further enacted*, That every deputy postmaster shall keep an office, in which one or more persons shall attend, at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof; and all letters brought to any post office half an hour before the time of making up the mail at such office, shall be forwarded therein; and the letters to be delivered at any other post office shall be sealed up together, and the seal shall not be broken until they are so delivered.

SEC. 8. *And be it further enacted*, That the Postmaster General shall be allowed for his services at the rate of two thousand dollars per annum; his assistant at the rate of one thousand dollars per annum, to be paid quarterly, at the Treasury of the United States; and no fees or perquisites shall be received by either of them on account of the duties to be performed in virtue of their appointments.

SEC. 9. *And be it further enacted*, That, from and after the first day of March next, the deputy postmaster, and persons authorized by the Postmaster General, shall demand and receive, for the postage and conveyance of letters and packets, except such as are hereinafter excepted, according to the several rates and sums following:

For the postage of every single letter to or from any place, by land, not exceeding thirty miles, six cents;

Over thirty miles, and not exceeding sixty, eight cents;

Over sixty miles, and not exceeding one hundred, ten cents;

Over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half;

Over one hundred and fifty miles, and not exceeding two hundred, fifteen cents;

Over two hundred miles, and not exceeding two hundred and fifty, seventeen cents;

Over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents;

And to and from any place, by land, more than four hundred miles, twenty-five cents.

And every double letter shall pay double the said rates; every triple letter, triple; every packet weighing one ounce avoirdupois, to pay at the rate of four single letters for each ounce; and in that proportion for any greater weight.

SEC. 10. *And be it further enacted*, That all letters

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passing by sea, to and from the United States, in packet boats or vessels, the property of, or provided by, the United States, and all letters brought by sea into the United States, in any other ship or vessel, shall be rated and charged as follows :

For every single letter brought into, or sent from, the United States, by sea, in any packet, boat, or vessel, belonging to, or employed by, the United States, eight cents ;

For every double letter, sixteen cents ;

For every triple letter, twenty-four cents ;

For every letter brought into the United States, or carried from one port therein to another, by sea, in any other ship or vessel, four cents, if delivered at the place where the same shall arrive ; and, if directed to any other place, with the addition of the like postage as other letters are made subject to the payment of by this act.

Sec. 11. *And be it further enacted*, That, if any deputy postmaster, or other person authorized by the Postmaster General, shall demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act for the postage of letters or packets, on conviction thereof, he shall forfeit, for such offence, one hundred dollars, and shall be rendered incapable of holding any office under the United States.

Sec. 12. *And be it further enacted*, That no ship or vessel, arriving at any port within the United States, where a post office is established, shall be permitted to report, make entry, or break bulk, till the master or commander shall have delivered to the postmaster all letters directed to any person or persons within the United States, which, under his care, or within his power, shall be brought in such ship or vessel, other than such as are directed to the owner or consignee, or person concerned in any merchandise or lading in such ship or vessel ; but when a vessel shall be bound to another port than that at which she may enter, and there is no communication by post between such port of entry, and her port of delivery, the letters belonging to, or to be delivered at the said port of delivery, shall not be delivered to the postmaster, at the port of entry. And it shall be the duty of the collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters as aforesaid.

Sec. 13. *And be it further enacted*, That the postmasters, to whom such letters may be delivered, shall pay to the master, commander, or other person, delivering the same, two cents for every such letter or packet ; and shall obtain, from the person delivering the same, a certificate, specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed ; which certificate, together with a receipt for the money, shall be, with his half yearly accounts, transmitted to the Postmaster General, who shall credit the amount thereof to the postmaster forwarding the same.

Sec. 14. *And be it further enacted*, That, if any person, other than the Postmaster General or his deputies, shall take up, receive, order, despatch, convey, carry, or deliver, any letter or letters, packet or packets, for hire or reward, on any established post road, or shall be concerned in setting up any foot or horse post, or any packet, or other vessel or boat, or any conveyance whatever, whereby the revenue of the General Post Office may be injured, every person so offending shall forfeit, for every such offence, the sum of two hundred dollars, and for continuing so to offend for one or more weeks, shall for every week, forfeit the sum of three hundred dollars.

Sec. 15. *Provided, nevertheless, and be it further enacted*, That it shall be lawful for the masters of ships and vessels, conductors of pack horses, and for carriers of goods by carts or wagons, to be carriers and deliverers of all such letters or packets, as immediately concern any merchandise or lading in such ship or vessel, or such goods or merchandise as are under the immediate care or inspection of such masters, conductors, or carriers ; provided, such master, conductor, or carrier, shall deliver every such letter to the person or persons to whom it is addressed, without hire or reward : *Provided, also*, That it shall and may be lawful for every person to send letters or packets by any private friend, or by special messenger.

Sec. 16. *And be it further enacted*, That the deputy postmasters, or agents of the Postmaster General, shall duly account, and answer to him, for all by or way letters, and shall specify the same, whether single, double, triple, or ounce weight, in the post bill ; and if any deputy postmaster, or agent, shall neglect so to account, he or they, so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding one hundred dollars.

Sec. 17. *And be it further enacted*, That, if any person employed in any of the departments of the General Post Office shall unlawfully detain, delay, or open, any letter, packet, newspaper, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post ; or, if any such person shall secrete, embezzle, or destroy, any letter, newspaper, or packet entrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to, money, as heretofore described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle, or destroy, any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the Treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to, the payment of money, or other bond or warrant, draft, bill, or promissory note, whatsoever, for the payment of money ; or, if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag, or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person who shall have taken charge of the mail of the United States, shall quit or desert the same before his arrival at the next post office, or shall not use diligence to arrive seasonably at the same, every such person, so offending, shall forfeit and pay a sum not exceeding one hundred dollars for every such offence. And if any person concerned in carrying the mail of the United States, shall collect, receive, or carry, any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Sec. 18. *And be it further enacted*, That, if any person or persons shall rob any carrier of the mail of the United States of such mail, or if any person shall rob the mail, in which letters are sent to be conveyed by

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post, of any letter, packet, bag, or mail of letters, or shall steal such mail, or shall steal and take from or out of the same, or from or out of any bag or mail of letters, or from or out of any post office, house, or place, for the receipt or delivery of letters or packets, sent, or to be sent, by post, any letter or packet, such offender or offenders shall, on conviction thereof, suffer death.

SEC. 19. *And be it further enacted*, That the deputy postmasters shall, respectively, publish, at the expiration of every three months, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters then remaining in their respective offices; and, at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the General Post Office, where the same shall be opened and inspected; and if any valuable papers, or matter of consequence, shall be found therein, it shall be the duty of the Postmaster General to cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to where the owner may be supposed to reside, if within the United States; and such letter and the contents shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage and the expense of publication.

SEC. 20. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided; that is to say: all letters and packets to or from the President or Vice President of the United States; and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session, all letters to and from the Secretary of the Treasury and his assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary of War, the Postmaster General, and his assistant and deputies, under such restrictions as shall be enjoined upon the Postmaster General by the President of the United States: *Provided*, That no person, having the privilege of franking letters, shall frank or enclose any letter or packet, other than his own; but any public letter or packet from the Department of the Treasury may be franked by the Secretary of the Treasury or the assistant Secretary, or by the Comptroller, Register, Auditor, or Treasurer; and that, in all cases, such person shall deliver to the post office every letter or packet enclosed to him, which may be directed to any other person, noting the place from whence it came by post, and the usual postage shall be charged thereon.

SEC. 21. *And be it further enacted*, That if any person shall counterfeit the hand-writing of any other person, in order to evade the payment of postage, such person or persons, so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

SEC. 22. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage; under such regulations as the Postmaster General shall provide.

SEC. 23. *And be it further enacted*, That all newspapers, conveyed in the mail, shall be under a cover, open at one end, carried in separate bags from the letters, and charged with the payment of one cent for any distance not more than one hundred miles, and one cent

and a half for any greater distance; and it shall be the duty of the Postmaster General and his deputy to keep a separate account for the newspapers, and the deputy postmasters shall receive fifty per cent. on the postage of all newspapers; and if any other matter or thing be enclosed in such papers, the whole packet shall be charged agreeably to the rates established by this act for letters or packets.

SEC. 24. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to allow to the deputy postmasters, respectively, such commission on the moneys arising from the postage of letters and packets as he shall think adequate to their respective services: *Provided*, That the said commission shall not exceed twenty per centum to any deputy, other than the postmaster, at the port where the European packets do or shall steadily arrive, to whom such further allowance, in addition to the emoluments of his office, shall be made as the Postmaster General shall deem a reasonable compensation for his extra services in the receipt and despatch of letters, originally received into his office, from on board such packets, and by him forwarded to other offices: *And provided, also*, That the compensations aforesaid shall not exceed fifteen hundred dollars per annum to any one postmaster.

SEC. 25. *And be it further enacted*, That it shall be the duty of the postmasters of the respective cities of New York, Philadelphia, Annapolis, and Charleston, and of the towns of Portsmouth, in New Hampshire, Boston, Salem, Providence, Newport, and Baltimore, to cause all letters directed to persons in any of the said cities or towns, or the liberties thereof, to be delivered at the houses or dwelling of such persons; and that one cent, in addition to the postage, be charged on every letter or packet so delivered.

SEC. 26. *And be it further enacted*, That if any deputy postmaster, or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render account, and pay over to the Postmaster General the balance by him due, at the end of every six months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such half year, the balances due from every such delinquent shall be charged to, and recoverable from, the Postmaster General.

SEC. 27. *And be it further enacted*, That all penalties and forfeitures recovered under this act shall be one half for the use of the person or persons informing and prosecuting for the same, the other half to the use of the United States.

SEC. 28. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision at the post office of every seaport of the United States, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel, beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound; and for every letter or packet so received, there shall be paid at the time of its reception a postage of one cent. And the Postmaster General may make arrangements with the postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets through the post offices.

SEC. 29. *And be it further enacted*, That the deputy postmasters, and the persons employed in the transporta-

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tion of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

SEC. 30. *And be it further enacted,* That all the surplus revenue of the General Post Office, previous to the passing of this act, and not heretofore appropriated, be, and the same is hereby, appropriated towards defraying any deficiency which may arise in the revenue of the said department for the year next ensuing.

Ordered, That this bill pass to a second reading.

The Senate resumed the second reading of "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," and agreed to sundry amendments; and, on the question,

Shall this bill pass to the third reading? The yeas and nays being taken, stood—

YEAS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foester, Gunn, Henry, Izard, King, Langdon, Lee, Monroe, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.—23.

NAYS.—Messrs. Bradley, Butler, Hawkins, and Johnston.—4.

So it was agreed that the bill should pass to the third reading.

WEDNESDAY, January 11.

The Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States;" and,

Resolved, That this bill pass, with the following amendments:

After the first section, insert the following:

SEC. 2. *And be it further enacted,* That the aforesaid act shall extend to the settlement of the accounts between the United States and the State of Vermont. And that, until the first day of December next shall be allowed for the said State to exhibit its claims.

"And that section 2 be made to read section 3."

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

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

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

I lay before you, in confidence, two Reports made to me by the Secretary for the Department of War, relatively to the present state of affairs on the western frontiers of the United States.

In these Reports, the causes of the present war with the Indians, the measures taken by the Executive to terminate it amicably, and the military preparations for the late campaign, are stated and explained; and also a plan suggested of such further measures on the occasion as appear just and expedient.

I am persuaded, gentlemen, that you will take this important subject into your immediate and serious consideration, and that the result of your deliberations will be the adoption of such wise and efficient measures as will reflect honor on our national councils, and promote the welfare of our country. G. WASHINGTON.

UNITED STATES, January 11, 1792.

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

The Senate proceeded to the third reading of the "bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein;" and, after agreeing to a further amendment,

Resolved, That this bill pass; that the title thereof be, "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein;" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The bill is as follows:

An Act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounty now allowed upon the exportation of dried fish, of the fisheries of the United States, shall cease on all dried fish exported after the 10th day of June next; and in lieu thereof, and for the more immediate encouragement of the said fisheries, there shall be afterwards paid, on the last day of December, annually, to the owner of every vessel or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law for carrying on the bank and other cod fisheries, and that shall actually have been employed therein at sea for the term of four months, at the least, of the fishing season next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burden, according to her admeasurement as licensed or enrolled, if of twenty tons, and not exceeding thirty tons, one-and-a-half dollars; and if above thirty tons, two-and-a-half dollars; of which bounty three-eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five-eighth parts thereof shall be divided by him, his agent, or lawful representative, to and among the several fishermen who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided,* That the bounty to be allowed and paid on any one vessel, for one season, shall not exceed one hundred and seventy dollars.

SEC. 2. *And be it further enacted,* That, on the last day of December, annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel, of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar upon every ton admeasurement of such boat or vessel; which bounty shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided, however,* That this bounty shall be allowed only to such boats or vessels as shall have actually been employed at sea in the cod fishery, for the term of four months at least of the preceding season: *And provided, also,* That such boat or vessel shall have landed, in the course of said preceding season, a quantity of fish, not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to

be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery, when actually sold; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth, and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall, in all cases, be produced and sworn to before the said collector of the district, in order to entitle the owner, his agent, or lawful representative, to receive the bounty aforesaid. And if, at any time within one year after payment of such bounty, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such bounty shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise the owner or owners having practised such fraud or deceit, shall forfeit and pay one hundred dollars; to be sued for, recovered, and appropriated, in like manner as forfeitures and penalties are to be sued for, recovered, and appropriated, for any breach of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandises, imported into the United States, and on the tonnage of ships or vessels."

SEC. 3. *And be it further enacted*, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agents or lawful representative, shall, previous to receiving the bounty which is provided for in this act, produce, to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is hereinbefore required, and also a certificate, to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares she may have made in the preceding fishing season, to the truth of which, they shall swear or affirm before the collector aforesaid.

SEC. 4. *And be it further enacted*, That no ship or vessel, of twenty tons or upwards, employed as aforesaid, shall be entitled to the bounty granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement, in writing or in print, with every fisherman employed therein, excepting only any apprentice or servant of himself or owner; and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage, or for the fishing season, and shall also express that the fish, or the proceeds of such fishing voyage or voyages which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish they may, respectively, have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent; and if any fisherman, having engaged himself for a voyage, or for the fishing season, in any fishing vessel, and signed an agreement therefor, as aforesaid, shall thereafter, and while such agreement remains in force, and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant's service, and may, in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing

voyage, to which such deserter hath or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall, during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit, to the use of the owner of such vessel, his share of the bounty which shall be paid upon such voyage, as is herein granted.

SEC. 5. *And be it further enacted*, That where an agreement or contract shall be so made and signed, for a fishing voyage, or for the fishing season, and any fish, which may have been caught on boards such vessel during the same, shall be delivered to the owner, or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall, for the term of six months after such sale, be liable and answerable for the skipper's, and every other fisherman's, share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchants' service. And, upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded. But in all cases, the owner of such vessel, or his agent, appearing to answer to such process, may offer, thereupon, his account of general supplies made for such fishing voyage, and other supplies therefor made, to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands, respectively, and judgment shall be rendered upon such process, for the respective balances, which, upon such an inquiry, shall appear: *Provided, always*, That, when process shall be issued against any vessel liable as aforesaid, if the owner thereof, or his agent, will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process; or, if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel; *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law for his share or shares of fish, or the proceeds thereof, as aforesaid.

SEC. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign and salted provisions, be, and the same is hereby repealed.

SEC. 7. *And be it further enacted*, That the money which shall remain in consequence of the abolition of the bounty on the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby, appropriated to the payment of the bounties granted by this act; and in case the moneys so appropriated shall be inadequate, the deficiency shall be supplied out of any moneys which, from time to time, shall be in the Treasury of the United States, and not otherwise appropriated.

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SEC. 3. *And be it further enacted,* That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States having jurisdiction of such offences, shall suffer the same penalties as are provided for false swearing by the act before mentioned, and to be in like manner sued for, recovered, and appropriated.

SEC. 9. *And be it further enacted,* That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress.

The bill establishing a Mint, and regulating the coins of the United States, was taken up, and,

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

THURSDAY, January 12.

The Senate resumed the consideration of "the bill establishing a Mint, and regulating the coins of the United States;" and, after agreeing further to amend the same,

Resolved, That this bill pass; that the title thereof be "An act establishing a Mint, and regulating the coins of the United States;" that it be engrossed; and that the Secretary desire the concurrence of the House of Representatives therein.

The bill is as follows:

An Act establishing a Mint, and regulating the coins of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared, That a mint, for the purpose of a national coinage, be, and the same is, established, to be situate and carried on at the seat of the Government of the United States, for the time being; and that, for the well conducting of the business of the said mint, there shall be the following officers and persons, namely:

A director, an assayer, a chief coiner, an engraver, a treasurer.

SEC. 2. *And be it further enacted,* That the director of the mint shall employ as many clerks, workmen, and servants, as he shall, from time to time, find necessary, subject to the approbation of the President of the United States.

SEC. 3. *And be it further enacted,* That the respective functions and duties of the officers above mentioned shall be as follow: The director of the mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The assayer shall receive and give receipts for all metals which may lawfully be brought to the mint to be coined; shall assay all such of them as may require it; and shall deliver them to the chief coiner, to be coined. The chief coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The engraver shall sink and prepare the necessary dies for such coinage, with the proper devices and inscriptions; but it shall be lawful for the functions and duties of chief coiner and engraver to be performed by one person. The treasurer shall receive from the chief coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be

paid or delivered: he shall, moreover, receive and safely keep all moneys which shall be for the use, maintenance, and support, of the mint, and shall disburse the same upon warrants signed by the director.

SEC. 4. *And be it further enacted,* That every officer and clerk of the said mint shall, before he enters upon the execution of his office, take an oath or affirmation, before some Judge of the United States, faithfully and diligently to perform the duties thereof.

SEC. 5. *And be it further enacted,* That the said assayer, chief coiner, and treasurer, previously to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

SEC. 6. *And be it further enacted,* That there shall be allowed and paid, as compensations for their respective services:

To the said director, a yearly salary of two thousand dollars;

To the said assayer, a yearly salary of fifteen hundred dollars;

To the said chief coiner, a yearly salary of fifteen hundred dollars;

To the said engraver, a yearly salary of twelve hundred dollars;

To the said treasurer, a yearly salary of twelve hundred dollars;

To each clerk, who may be employed, a yearly salary not exceeding five hundred dollars; and, to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations.

SEC. 7. *And be it further enacted,* That the accounts of the officers and persons employed in and about the said mint, and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the Treasury Department of the United States; and a quarter yearly account of the receipts and disbursements of the said mint shall be rendered at the said Treasury for settlement, according to such forms and regulations as shall have been prescribed by that department; and that once in each year a report of the transactions of the said mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the Comptroller of the Treasury, shall be laid before Congress for their information.

SEC. 8. *And be it further enacted,* That, in addition to the authority vested in the President of the United States, by a resolution of the last session, touching the engaging of artists, and the procuring of apparatus for the said mint, the President be authorized, and he is hereby authorized, to cause to be provided and put in proper condition such buildings, and in such manner as shall appear to him requisite for the purpose of carrying on the business of the said mint; and that as well the expenses which shall have been incurred pursuant to the said resolution, as those which may be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage hereinafter mentioned, shall be defrayed from the Treasury of the United States, out of any moneys which, from time to time, shall be therein, not otherwise appropriated.

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SEC. 9. *And be it further enacted*, That there shall be, from time to time, struck and coined at the said mint, coins of gold, silver, and copper, of the following denominations, values, and descriptions, viz :

Eagles ; each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four-eighths of a grain of pure, or two hundred and seventy grains of standard, gold.

Half eagles ; each to be of the value of five dollars, and to contain one hundred and twenty-three grains and six-eighths of a grain of pure, or one hundred and thirty-five grains of standard, gold.

Quarter eagles ; each to be of the value of two dollars and a half dollar, and to contain sixty-one grains and seven-eighths of a grain of pure, or sixty-seven grains and four-eighths of a grain of standard, gold.

Dollars, or units ; each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four-sixteenth parts of a grain of pure, or four hundred and sixteen grains of standard, silver.

Half dollars ; each to be of half the value of the dollar or unit, and to contain one hundred and eighty-five grains and ten-sixteenth parts of a grain of pure, or two hundred and eight grains of standard, silver.

Quarter dollars ; each to be of one-fourth the value of the dollar or unit, and to contain ninety-two grains and thirteen-sixteenth parts of a grain of pure, or one hundred and four grains of standard, silver.

Dimes ; each to be of the value of one-tenth of a dollar or unit, and to contain thirty-seven grains and two-sixteenth parts of a grain of pure, or forty-one grains and three-fifth parts of a grain of standard, silver.

Half dimes ; each to be of the value of one-twentieth of a dollar, and to contain eighteen grains and nine-sixteenth parts of a grain of pure, or twenty grains and four-fifth parts of a grain of standard, silver.

Cents ; each to be of the value of the one-hundredth part of a dollar, and to contain eleven pennyweights of copper.

Half cents ; each to be of the value of half a cent, and to contain five pennyweights and one-half pennyweight of copper.

SEC. 10. *And be it further enacted*, That, upon the said coins, respectively, there shall be the following devices and legends, namely : Upon one side of each of the said coins there shall be an impression or representation of the head of the President of the United States for the time being, with an inscription which shall express the initial or first letter of his Christian or first name, and his surname at length, the succession of the Presidency numerically, and the year of the coinage ; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription—" *United States of America,*" and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent, or half cent, as the case may require.

SEC. 11. *And be it further enacted*, That the proportional value of gold to silver, in all coins which shall by law be current as money within the United States, shall be as fifteen to one, according to quantity in weight, of pure gold or pure silver ; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments, with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

SEC. 12. *And be it further enacted*, That the standard for all gold coins of the United States shall be eleven

parts fine to one part alloy ; and accordingly that eleven parts in twelve of the entire weight of each of the said coins shall consist of pure gold, and the remaining one-twelfth part of alloy ; and the said alloy shall be composed of silver and copper, in such proportions, not exceeding one half silver, as shall be found convenient ; to be regulated by the director of the mint for the time being, with the approbation of the President of the United States, until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the director of the mint, at the expiration of a year after commencing the operations of the said mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins, the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy.

SEC. 13. *And be it further enacted*, That the standard for all silver coins of the United States shall be fourteen hundred and eighty-five parts fine to one hundred and seventy-nine parts alloy ; and accordingly that fourteen hundred and eighty-five parts in sixteen hundred and sixty-four parts of the entire weight of each of the said coins shall consist of pure silver, and the remaining one hundred and seventy-nine parts of alloy ; which alloy shall be wholly of copper.

SEC. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined ; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought : And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered, shall, upon demand, receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained : *Provided, nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the director of the said mint, to make an immediate exchange of coins for standard bullion, with a deduction of one-half per cent. from the weight of the pure gold, or pure silver, contained in the said bullion, as an indemnification to the mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said mint, from time to time, whenever the state of the Treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as speedily as may be, out of the coins which shall have been made of the bullion for which the money so furnished shall have been exchanged ; and the said deduction of one-half per cent. shall constitute a fund towards defraying the expenses of the said mint.

SEC. 15. *And be it further enacted*, That the bullion which shall be brought as aforesaid to the mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which the said bullion shall have been brought or delivered, giving priority according to priority of delivery only, and without preference to any person or persons ; and if any preference shall be given contrary to the direction aforesaid, the officer by whom such undue preference shall be given, shall, in each case, forfeit and pay one thousand dollars, to be recovered with costs of suit. And to

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the end that it may be known if such preference shall at any time be given, the assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same a memorandum in writing under his hand, denoting the weight, fineness, and value thereof, together with the day and order of its delivery into the mint.

Sec. 16. *And be it further enacted*, That all the gold and silver coins which shall have been struck at, and issued from, the said mint, shall be a lawful tender in all payments whatsoever: those of full weight according to the respective values hereinbefore declared, and those of less than full weight at values proportional to their respective weights.

Sec. 17. *And be it further enacted*, That it shall be the duty of the respective officers of the said mint, carefully and faithfully to use their best endeavors that all the gold and silver coins which shall be struck at the said mint shall be, as nearly as may be, conformable to the several standards and weights aforesaid, and that the copper, whereof the cents and half cents aforesaid may be composed, shall be of good quality.

And the better to secure a due conformity of the said gold and silver coins to their respective standards,

Sec. 18. *Be it further enacted*, That, from every separate mass of standard gold or silver, which shall be made into coins at the said mint, there shall be taken, set apart by the treasurer, and reserved in his custody, a certain number of pieces, not less than three; and that once in every year the pieces so set apart and reserved shall be assayed under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, and the Attorney General of the United States, (who are hereby required to attend, for that purpose, at the said mint, on the last Monday in July in each year,) or under the inspection of any three of them, in such manner as they, or a majority of them, shall direct, and in the presence of the director, assayer, and chief coiner, of the said mint; and if it shall be found that the gold and silver so assayed shall not be inferior to their respective standards hereinbefore declared, more than one part in one hundred and forty-four parts, the officer or officers of the said mint, whom it may concern, shall be held excusable; but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer or officers shall be deemed disqualified to hold their respective offices.

Sec. 19. *And be it further enacted*, That if any of the gold or silver coins, which shall be struck or coined at the said mint, shall be debased or made worse, as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall, at any time, be committed to their charge, for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person, who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death.

Sec. 20. *And be it further enacted*, That the money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and that all accounts

in the public offices, and all proceedings in the courts of the United States, shall be kept and had in conformity to this regulation.

FRIDAY, January 13.

The Senate took into consideration the Message of the President of the United States, of the 11th of January; and, after progress, the further consideration thereof was postponed.

MONDAY, January 16.

The Senate then proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States."

Ordered, That this bill be committed to Messrs. BASSETT, BRADLEY, BURR, ELLSWORTH, FEW, FOSTER, HENRY, JOHNSTON, IZARD, LANGDON, LEE, MORRIS, RUTHERFURD, and STRONG, to report thereon.

TUESDAY, January 17.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate on the bill, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

Mr. BURR, from the committee appointed on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," reported the bill amended; and the report was adopted.

On motion that the bill be postponed, it passed in the negative; whereupon, the Senate proceeded in the second reading of the bill; and, after progress, *Ordered*, that the further consideration thereof be postponed.

The petition of John Harpur and others, for the adjustment of an unliquidated claim, on account of services during the late war, was read.

Ordered, That it be referred to the Secretary of War, to report thereon to the Senate.

The petition of John M'Vikar, executor of Archibald M'Vikar, for a Legislative act to enable the Auditor and Comptroller of the Treasury to liquidate his account against the United States, for certain supplies during the late war, was read; and,

Ordered, That it be referred to the Secretary of the Treasury, to report thereon to the Senate.

The petition of Christopher Marshall, Jr., and Charles Marshall, was read, praying for encouragement in preparing sal-ammoniac, Glauber's salt, and volatile spirits, having erected a chemical laboratory for those purposes, near the city of Philadelphia.

Ordered, That this petition lie on the table.

The memorial of Hannah Stevens, of Concord, in the State of Massachusetts, wife of Isaac Stevens, mariner, was read, praying that Govern-

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ment would interpose in the liberation of the said Isaac Stevens from long captivity at Algiers.

Ordered, That this petition be referred to the committee on the subject of the American prisoners at Algiers.

WEDNESDAY, January 18.

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

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

I lay before you a copy of an exemplified copy of an Act of the Legislature of Vermont, ratifying, on behalf of that State, the articles of amendment proposed by Congress to the Constitution of the United States, together with a copy of a letter which accompanied said ratification.

G. WASHINGTON.

UNITED STATES, January 18, 1792.

The act of ratification referred to in the foregoing Message is as follows:

An act ratifying certain articles proposed by Congress as amendments to the Constitution of the United States.

Whereas the Congress of the United States, begun and held at the city of New York, on Wednesday the 4th of March, 1789, resolved, that certain articles, to the number of twelve, be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, which articles, when ratified by three-fourths of the said Legislatures, should be valid, to all intents and purposes, as part of the said Constitution: therefore,

It is hereby enacted by the General Assembly of the State of Vermont, that all and every of said articles, so proposed as aforesaid, be, and the same are hereby, ratified and confirmed by the Legislature of this State.

STATE OF VERMONT, }
Secretary of State's Office. } *sci.*

I hereby certify, that the within is a true copy of an Act passed by the Legislature of this State, the 3d day of November, 1791, and deposited in this office according to law.

Attest, ROS. HOPKINS, *Secretary.*

Ordered, That the Message, and papers referred to therein, lie for consideration.

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," was further postponed.

THURSDAY, January 19.

Several committees being in session, and wanting time to perfect their reports, the Senate adjourned without doing any business.

FRIDAY, January 20.

The Senate assembled; and immediately proceeded to the consideration of Executive business.

MONDAY, January 23.

The committees not having perfected their reports, the Senate adjourned without doing any business.

TUESDAY, January 24.

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

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

Having received from the Governor of Virginia a Letter, enclosing a resolution of the General Assembly of that State, and a report of a committee of the House of Delegates, respecting certain lands located by the officers and soldiers of the Virginia line, under the laws of that State, and since ceded to the Chickasaw Indians, I lay copies of the same before you, together with a Report of the Secretary of State on this subject.

G. WASHINGTON.

UNITED STATES, January 23, 1792.

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

WEDNESDAY, January 25.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons;" and, after progress, the further consideration thereof was postponed.

Mr. BASSETT, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," reported amendments, which were read; and, *Ordered*, That the amendments reported be printed for the use of the Senate.

THURSDAY, January 26.

Mr. HENRY, from the committee appointed November 1, 1791, for the purpose, reported "A bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses;" and the bill was read the first time, and passed to a second reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

The report of the committee on the petition of Isaac Ledyard was read; and, on motion to amend the report, it passed in the negative.

Ordered, That the further consideration of the bill be postponed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions;" in which bill they desire the concurrence of the Senate.

The bill sent from the House of Representatives

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for concurrence, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," was read the first time, as follows:

An Act to ascertain and regulate the claims to half pay, and to invalid pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the resolution of Congress of the 24th of August, 1780, as declares "that the resolution of the 15th of May, 1778, granting half pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die, in the service," shall be deemed and considered to extend to the cases of the widows and orphans of all officers who died or were slain in the said service, at any time between the commencement of hostilities in the late war with Great Britain, and the aforesaid 15th day of May, 1778. And the officers of the Treasury are hereby authorized to settle the claims of the widows or orphans of such officers, as the case may be, and to issue certificates for the same in the usual manner.

SEC. 2. *And be it further enacted,* That such officers as have been disabled in the service of the United States during the late war, whose disability and rate of allowance have been ascertained pursuant to the acts or regulations of Congress, and who, from an inability to return their whole commutation, as required by the act of the 22d day of March, 1783, have not received the said allowance, shall now be entitled to demand and receive the same, returning only such part of the said commutation as will be in due proportion to the said rate of allowance, calculating interest at six per cent. on the allowance and proportion of the commutation aforesaid, from the times they respectively became due, or were paid; and that their respective accounts be settled and adjusted accordingly.

SEC. 3. *And be it further enacted,* That all officers who have been disabled in the actual service of the United States, and whose degree of disability, to be ascertained in the manner hereafter prescribed, may entitle them to be placed on the pension list, at the rate of allowance equal to one-third or more of their monthly pay, shall be entitled to demand and receive such allowance during life: *Provided,* That the commutation received by any such officer shall be settled in the manner, and on the principles, prescribed in the last preceding section.

SEC. 4. *And be it further enacted,* That any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States during the late war, by wounds, or other known cause, who did not desert from the said service, and whose name is not already on the pension list, shall be entitled to be placed on the pension list of the United States, during life, or the continuance of such disability, and shall also be allowed such further sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance in consequence of his disability, as the judge of the district in which they respectively reside may think just: *Provided,* That in every such case, the rules and regulations following shall be complied with, that is to say:

First. That the judge of the district court of the United States, in each district, shall allot the same into convenient divisions, and appoint in each division a reputable physician residing therein, for the examination of invalids; causing due publication thereof to be made in one or more of the gazettes of the district;

which physician shall act on oath, and receive the sum of one dollar for each examination.

Secondly. Every applicant shall produce to the physician of the division the following proofs, to wit:

A certificate from the commanding officer of the ship, regiment, corps, or company, in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses, to the same effect;

The affidavits of three reputable freeholders of the city, town, or county, in which he resides, ascertaining, of their own knowledge, the mode of life, employment, labor, or means of support, of such applicant, for the last twelve months.

Thirdly. The physician of the division, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same under hand and seal, together with his opinion, whether or not the said disability is the effect of the wound, or injury, sustained while in the service of the United States: which proofs and certificate the said physician shall transmit to the district judge of the United States, within the said district, who shall retain a duplicate thereof, and transmit the originals to the Secretary of War, together with his opinion, in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

SEC. 5. *And be it further enacted,* That the Secretary of War, upon the receipt of the proofs, certificate, and opinion, aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States, in conformity thereto: *Provided, always,* That, in any case where the said Secretary shall have cause to suspect imposition, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress at their next session.

SEC. 6. *And be it further enacted,* That all non-commissioned officers, soldiers, and seamen, disabled in the actual service of the United States during the late war, whose disability and rate of allowance have been ascertained pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list until after the time limited by the act of Congress for that purpose, was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid; anything in this act, or any act of the late Congress, to the contrary notwithstanding.

SEC. 7. *And be it further enacted,* That, from and after the first day of February next, no sale, transfer, or mortgage, of the whole or any part of the pension, or arrearages of pension, payable to any non-commissioned officer, soldier, or seaman, before the same shall become due, shall be valid. And every person claiming such pension, or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some justice of the peace, of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension; and any person, who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

Ordered, That this bill pass to a second reading.
A Letter from the Treasurer of the United States,

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enclosing his indent account from the 30th of September to the 31st of December, 1791, was read, and ordered to lie for consideration.

FRIDAY, January 27.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," and the amendments reported thereon by the committee.

On motion, to insert the following:

"That it shall be lawful for the Postmaster General, and his deputies, to receive donations from any person or persons in aid of the revenue arising from any post road, and if it shall appear, at the expiration of one year from the establishing of any post road, except the main road from Wicasset to Savannah, that the revenue, arising from such post road, including donations, after deducting the compensations of the deputy postmasters, and the incidental charges of the post offices, shall not amount to two-thirds of the expense of carrying the mail on the same, that then it shall be lawful for the Postmaster General to desist from sending a mail on such road."

It passed in the negative.

Ordered, That this bill pass to the third reading.

MONDAY, January 30.

The Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States;" and, after making many amendments concerning particular roads,

Resolved, That this bill pass, with amendments.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the bill, as amended.

The Senate took up "the bill regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and agreed that the consideration thereof be further postponed.

Ordered, That the bill sent from the House of Representatives for concurrence, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," be referred to Messrs. HAWKINS, STRONG, ELLSWORTH, LEE, and IZARD, to consider and report generally thereon.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and the further consideration thereof was postponed.

TUESDAY, January 31.

The Senate proceeded in the second reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses;" and, after progress, the further consideration thereof was postponed 'til to-morrow.

WEDNESDAY, February 1.

The Senate proceeded in the second reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses;" and, after progress, the further consideration thereof was postponed.

THURSDAY, February 2.

The Senate proceeded in the second reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses;" and, after progress, the further consideration thereof was postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act making further and more effectual provision for the protection of the frontiers of the United States," in which they desire the concurrence of the Senate.

FRIDAY, February 3.

The bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," was taken up, read the first time, and ordered to pass to the second reading, and be printed for the use of the Senate, under an injunction of secrecy for the present.

The bill, as it came from the House of Representatives, is as follows:

An Act making further and more effectual provision for the protection of the frontiers of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the battalion of artillery and two regiments of infantry now in service, be completed in their numbers, according to the establishment.

SEC. 2. And be it further enacted, That there shall be raised, for a term not exceeding three years, three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians. And the President may employ as many of the said troops as riflemen as he shall think proper: Provided, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

SEC. 3. And be it further enacted, That the said additional regiments shall be organized in the same manner as the regiment of infantry described in the act, passed during the second session of the first Congress, entitled "An act for regulating the military establishment of the United States."

SEC. 4. And be it further enacted, That there shall be raised a squadron of light dragoons, which, exclusively of the commissioned officers, shall consist of three hundred and four non-commissioned officers, privates, and musicians, and that it shall be a condition in their enlistments to serve as infantry whenever they shall be ordered thereto. That the organization of the said squadron of light dragoons shall be as follows, viz: one major commandant, one adjutant, one quartermaster

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one paymaster, one surgeon's mate, and four troops; each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-five dragoons; and the said squadron shall be raised for a term not exceeding three years.

SEC. 5. *And be it further enacted*, That the non-commissioned officers, privates, and musicians, of the said three regiments of infantry, and the squadron of light dragoons, shall be enlisted for the term of three years, unless previously discharged.

SEC. 6. *And be it further enacted*, That every recruit, who shall be enlisted by virtue of this act, shall receive six dollars bounty, and that the same shall be made up to the non-commissioned officers, privates, and musicians, now in service, who have enlisted for three years since the passing of the aforesaid act, entitled "An act for regulating the military establishment of the United States."

SEC. 7. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit for the establishment, shall be entitled to receive for every recruit duly enlisted and mustered, two dollars.

SEC. 8. *And be it further enacted*, That the monthly pay of the commissioned officers, non-commissioned officers, privates, and musicians, on the military establishment of the United States, and of the three regiments and squadron of light dragoons, authorized by this act, shall be in future as follows, free of all deductions, to wit:

GENERAL STAFF.—A major general, one hundred and sixty-six dollars; a brigadier general, one hundred and four dollars; quartermaster, one hundred dollars; adjutant, sixty dollars; inspector, fifty dollars; chaplain, fifty dollars; surgeon, seventy dollars; deputy quartermaster, fifty dollars; aid-de-camp, in addition to his pay in the line, twenty-four dollars; brigade major, in addition to his pay in the line, twenty-four dollars.

REGIMENTAL.—Lieutenant colonel commandant, sixty dollars; majors commandant of dragoons and artillery, fifty-five dollars; paymaster, in addition to his pay in the line, ten dollars; quartermaster, in addition to his pay in the line, eight dollars; adjutant, in addition to his pay in the line, ten dollars; majors of infantry, fifty dollars; captains, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; mates, thirty dollars; sergeant majors and quartermaster sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; privates, four dollars; musicians, four dollars; artificers allowed to the light dragoons and artillery, and included as privates, eight dollars; matrons and nurses in the hospital, eight dollars.

SEC. 9. *And be it further enacted*, That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates, and musicians, of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled "An act for regulating the military establishment of the United States," and in the act passed in the third session of the first Congress, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers."

SEC. 10. *And be it further enacted*, That the forage to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

SEC. 11. *And be it further enacted*, That the allowance of clothing for the non-commissioned officers and privates of the three regiments and squadron aforesaid,

shall be the same as is by law established. That suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed the infantry and artillery.

SEC. 12. *And be it further enacted*, That all the commissioned and non-commissioned officers, privates, and musicians, of the three regiments and squadron aforesaid, shall take the same oaths, shall be governed by the same rules and regulations, and, in cases of disabilities, shall receive the same compensations, as are described in the before-mentioned act, entitled "An act for regulating the military establishment of the United States."

SEC. 13. *And be it further enacted*, That it shall be lawful for the President of the United States to forbear to raise, or to discharge after they shall be raised, the whole or any part of the said three additional regiments of infantry, or the squadron of light dragoons, in case events shall, in his judgment, render his so doing consistent with the public safety.

SEC. 14. *And whereas*, In case the forbearing to raise the whole or some part of the said three additional regiments should be deemed not consistent with the public safety, it will still be desirable that all unnecessary expense should, as far as possible, be avoided; and to that end, that the officers for the same should only be appointed from time to time, as occasion may require: *Be it enacted*, That the President alone be authorized to make all such appointments as may not be required previous to the close of the present session of the Senate, and may become necessary before the next session of Congress.

SEC. 15. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to engage, in lieu of the whole or any part of the three regiments authorized by this act, or in addition to the same, such number of infantry or cavalry as in his judgment the public service may require; provided, that the entire number of non-commissioned officers and privates, including such part of the said regiments as may be raised and not discharged, shall not exceed six thousand; and provided, that the infantry and cavalry shall not be engaged for a longer term than nine months, nor be allowed, the infantry, more than twenty-five cents per day, nor the cavalry, each person engaged finding his own horse, arms, and accoutrements, and at his own risk, seventy-five cents per day, and twenty-five cents per day in lieu of rations and forage; provided he furnish himself therewith. And the allowance to non-commissioned officers, whether in the infantry or cavalry, shall not exceed to those of the infantry thirty-three cents and one-third of a cent per day, and to those of the cavalry one dollar and twenty-five cents per day.

SEC. 16. *And be it further enacted*, That the President alone be, and he hereby is, authorized to appoint, for the infantry and cavalry so to be engaged, the proper commissioned officers, who shall not exceed in number and rank the proportions assigned to the said three regiments and squadron, respectively; and whose pay, and other allowances, shall not exceed those of officers of corresponding rank in the said regiments and squadron.

SEC. 17. *And be it further enacted*, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ a number, not exceeding one thousand, of Indians, belonging to the tribes in alliance with the United States, to act against the hostile Indians; and also to make them such compensations as he shall judge right, not exceeding twenty thousand dollars in the whole.

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A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to some, and disagreed to other, amendments of the Senate on the bill, entitled "An act to establish the Post Office and Post Roads within the United States."

The Senate proceeded in the second reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and, after agreeing to sundry amendments,

Ordered, That this bill pass to the third reading.

The Senate resumed the consideration of the following resolution of the House of Representatives, on the amendments of the Senate to the bill, entitled "An act to establish the Post Office and Post Roads within the United States," to wit:

Resolved, That the House of Representatives doth disagree to the sixth amendment proposed by the Senate, in section 1st; and doth agree to all other amendments to the said bill, with amendments to the 15th amendment in the said 1st section.

Whereupon,

Resolved, That the Senate recede from their sixth amendment on the above-mentioned bill, and concur with the House of Representatives in their amendments to the amendments of the Senate.

MONDAY, February 6.

The third reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," was further postponed.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States;" and,

On motion, the consideration thereof was made the order of the day for to morrow.

TUESDAY, February 7.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States;" and, after progress, the Senate adjourned.

WEDNESDAY, February 8.

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

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

An article of expense having occurred in the Department of Foreign Affairs, for which no provision has been made by law, I lay before you a Letter from the Secretary of State, explaining the same, in order that you may do thereon what you shall find to be right.

G. WASHINGTON.

UNITED STATES, February 8, 1792.

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

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States; and, after progress, the Senate adjourned.

THURSDAY, February 9.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States."

On motion to postpone the second reading, it passed in the negative.

On motion to expunge the second section, the yeas and nays being required by one-fifth of the Senators present, were taken, and stood:

YEAS.—Messrs. Bradley, Butler, Few, Foster, Gunn, Hawkins, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.—13.

NAYS.—Messrs. Bassett, Cabot, Carroll, Dickinson, Ellsworth, Henry, Izard, Johnston, Langdon, Morris, Read, and Rutherford.—12.

So it passed in the affirmative.

Ordered, That the bill be referred to Messrs. STRONG, GUNN, MONROE, BRADLEY, and ELLSWORTH, to consider and report generally thereon.

A Letter from the Speaker of the House of Representatives, enclosing the memorial of D. L. Morel, was read.

Ordered, That the Letter and enclosure lie for consideration.

FRIDAY, February 10.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," with amendments, in which they desire the concurrence of the Senate.

Mr. Few communicated an act of the State of Georgia, to empower their Senators in Congress, or one Senator and two of their Representatives in Congress, to execute a deed of the light-house on Tybee Island in the said State. The act was read; and,

Ordered, To lie for consideration.

Ordered, That the Secretary of State be requested to furnish a translation of the memorial of D. L. Morel, communicated yesterday by the Speaker of the House of Representatives to the Vice President.

The Senate proceeded to the consideration of, and agreed to, the amendments of the House of Representatives to the bill sent from the Senate for concurrence, entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein."

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The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons;" and, after debate, adjourned.

MONDAY, February 13.

The Senate proceeded to the third reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

On motion to insert these words at the end of section 2:

"And be at liberty to pursue the same until a tender of the debt and cost in gold or silver shall be made."

The yeas and nays were required by one-fifth of the Senators present, and being taken, stood:

YEAS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Foster, Isard, King, Langdon, Morris, Read, Rutherford, and Strong.—14.

NAYS.—Messrs. Bradley, Butler, Few, Gunn, Hawkins, Henry, Johnston, Lee, Monroe, Robinson, Sherman, Stanton, and Wingate.—13.

So it passed in the affirmative.

And, after agreeing to further amendments,

Resolved, That this bill pass; that the title thereof be, "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses;" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The bill is as follows:

An Act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all writs and processes issuing from the supreme or a circuit court shall bear test of the chief justice of the supreme court; and if from a district court, shall bear test of the judge of such court, and shall be under the seal of the court from whence they issue, and signed by the clerk thereof. The seals to be provided at the expense of the United States.

SEC. 2. *And be it further enacted*, That, until other provision shall be made, and except where, by this act, or other statutes of the United States, it is otherwise provided, the forms of writs and executions, except their style, and the modes of process and proceedings in suits at common law, shall be the same in each State respectively as are now used or allowed in the highest common law courts having original jurisdiction of the same. And the forms and modes of proceedings in causes of equity and of admiralty and maritime jurisdiction, shall be, except where the laws of the United States otherwise provide, according to the course which hath obtained in the States respectively in like causes; or in States which have not courts of equity jurisdiction, or have not had courts of admiralty and maritime jurisdiction, according to the course of proceedings in such courts, respectively, in any adjoining, or the nearest State in which they are or have been instituted; subject, however, to such deviations in each State, by

rule of court, as a difference of circumstances may require, or as may be requisite to prevent unnecessary delay and expense: *Provided*, That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance, and be at liberty to pursue the same until a tender of the debt and cost, in gold or silver, shall be made.

SEC. 3. *And be it further enacted*, That, from and after the passing this act, the fees and compensations to the several officers and other persons hereafter mentioned shall be as follows: That is to say; to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment, or process, in chancery, on each person named in the same, one dollar; for his travel out in serving each writ, warrant, attachment, or process, as aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*, That the fee for travel shall in no case exceed fifteen dollars; for each bail bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three per cent.; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, each, twenty cents, and his necessary travel, at five cents per mile, to be computed as aforesaid; for summoning a grand or petit jury, each, three dollars, and his necessary travel, at five cents per mile, to be computed in like manner: *Provided*, That in those States where jurors by the laws of the State are drawn by constables or other officers of corporate towns or places by lot, the marshals shall receive, for the use of such constables or officers, such part of the fees allowed for travel in summoning juries as the court to which the juries may be returned shall direct; for attending the supreme, circuit, or district courts, five dollars per day, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said courts; for levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the supreme court of the State where the services shall be rendered; to the clerk of the Supreme Court of the United States, ten dollars per day for his attendance in court, and for his other services in discharging the duties of his office, double the fees of the clerk of the supreme court of that State in which the Supreme Court of the United States shall be holden; to the clerk of the district and circuit courts, such fees in each State respectively as are allowed in the supreme courts of the same, and five dollars per day for his attendance on any circuit or district court, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said courts. And in case any clerk of a court of the United States shall, in discharging the duties of his office, perform any kind of service which is not performed by the clerks of the courts of the State, and for which the laws of the State make no allowance, the court in which such service shall be rendered may allow a reasonable compensation therefor; to each grand and petit juror one dollar per day for attending in court, and for traveling, at the rate of five cents for every mile from their respective places of abode to the place where the court is held, and the like allowance for returning;

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to witnesses summoned on the part of the United States, or in behalf of any prisoner to be tried for a capital offence in any of the courts thereof, the same compensation as is above allowed to grand and petit jurors; to witnesses in other cases, the same compensations in each State respectively as are allowed in the supreme courts of the same; to the attorney of the United States for the district, such fees in each State respectively as are allowed in the supreme courts of the same, and also the like compensation for traveling as is above allowed to the clerk of the district and circuit courts; and where the amount of such fees and compensations to the district attorney shall be less in any year than one-fifth part of the salary of the judge of such district, the difference shall be allowed and paid to the attorney at the end of the year.

SEC. 4. *And be it further enacted*, That the marshal shall have the custody of all vessels and goods, seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable: And there shall be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: And such amount, as also the compensations aforesaid, to the grand and petit jurors, to the witnesses summoned on the part of the United States, or in behalf of a prisoner to be tried for a capital offence; to the clerk of the supreme court, for his attendance; to the clerks of the district and circuit courts for their traveling and attendance; to the attorney of the district, for traveling to court; to the marshal for his attendance at court; for summoning grand and petit jurors, and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in jail for any criminal offence, and for the commitment or discharge of such prisoner; and, also, the legal fees of the clerk, attorney, and marshal, in criminal prosecutions, shall be included in the account of the marshal: and the same having been examined and certified by the court, or one of the judges of it, in which the service shall have been rendered, shall be passed in the usual manner at, and the amount thereof paid out of, the Treasury of the United States, to the marshal, and by him shall be paid over to the persons entitled to the same. And the marshal shall be allowed two and a half per cent. on the amount by him so paid over, to be charged in his future account.

SEC. 5. *And be it further enacted*, That in every prosecution for any fine or forfeiture incurred under any statute of the United States, if judgment is rendered against the defendant, he shall be subject to the payment of costs. And on every conviction for any other offence, not capital, the court may, in their discretion, award that the defendant shall pay the costs of prosecution. And if any informer, or plaintiff, on a penal statute, to whose benefit the penalty, or any part thereof, if recovered, is directed by law to accrue, shall discontinue his suit or prosecution, or shall be nonsuit in the same, or if, upon trial, a verdict shall pass for the defendant, the court shall award to the defendant his costs, unless such informer, or plaintiff, be an officer of the United States, specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall, at the trial, in open court, certify, upon record, that there was reasonable cause for commencing the same, in which case no cost shall be taxed for the defendant.

SEC. 6. *And be it further enacted*, That the fees and

compensations to the several officers and persons hereinbefore mentioned, other than those which are above directed to be paid out of the Treasury of the United States, shall be recovered in like manner as the fees of the officers of the States respectively, for like services, are recovered.

SEC. 7. *And be it further enacted*, That if any officer hereinbefore mentioned, or his deputy, shall, by reason or color of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine, not exceeding five hundred dollars, or be imprisoned, not exceeding six months, at the discretion of the court before whom the conviction shall be.

SEC. 8. *And be it further enacted*, That the act passed at the last session of Congress, entitled "An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States;'" and also another act passed at the last session of Congress, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," be, and the same are hereby repealed.

TUESDAY, February 14.

The Secretary of State having transmitted to the Senate a translation of the memorial of D. L. Morel, it was read; and ordered that the Secretary of the Senate deliver the original, with a copy of the translation, to the Speaker of the House of Representatives.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and, after progress, adjourned.

WEDNESDAY, February 15.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons;" and,

Ordered, That the further consideration of this bill be postponed.

Mr. STRONG, from the committee appointed on the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," reported the bill amended.

THURSDAY, February 16.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," and the report of the committee thereon.

On motion to postpone the report of the committee, so far as to take into consideration a proposed amendment, it passed in the negative.

On motion, it was agreed to postpone the report

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of the committee, and to reconsider the second section of the bill rejected on the 9th instant; and, after debate, the further consideration of the bill was postponed until to-morrow.

A message from the House of Representatives, informed the Senate, that the House of Representatives have passed the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President," with amendments, in which they desire the concurrence of the Senate.

The amendments to the above mentioned bill were read, and are as follow:

Section 1, to the end of the section, add "which Electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President, thus to be chosen, should come into office: *Provided, always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives."

In section 2, which reads as follows: "That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the authority thereof;" strike out "authority," and insert "Legislature."

Section 9, strike out the whole section, and in lieu thereof insert, "And be it further enacted, That in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed or a President shall be elected."

Ordered, That the amendments lie for consideration.

FRIDAY, February 17.

The Senate proceeded to the consideration of the amendments of the House of Representatives on the bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President;" and, after debate, the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States;" and,

A motion being made, and the question put, to adopt the second section, it passed in the affirmative; yeas 15, nays 12—as follows:

YEAS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, and Rutherford.

NAYS.—Messrs. Bradley, Butler, Few, Foster, Gunn, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.

The report of the committee was then resumed; and on the question to agree thereto, so far as to

reject the third section of the bill, it passed in the negative.

After further consideration of the bill, *Ordered*, That it be referred to Messrs. BURR, HAWKINS, READ, ELLSWORTH, and GUNN, with the amendments reported by the committee, together with the motions made thereon, to consider and report generally.

MONDAY, February 20.

The Senate proceeded to the consideration of the amendments of the House of Representatives on the bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President;" and,

Resolved, That they agree to all the said amendments except the last, to which they disagree.

Resolved, That Messrs. SHERMAN, LANGDON, and STRONG, be a committee to join with such committee as the House of Representatives may appoint, on their part, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed to the next session; that the proceedings may be so regulated as to close this session by the first Tuesday of April next.

A petition of James Oakley and others, was presented and read, praying compensation for services during the late war.

Ordered, That this petition be referred to the Secretary of War, to examine and report thereon to the Senate.

TUESDAY, February 21.

The application of James Mathers, Doorkeeper to the Senate, for compensation during the recess, was presented and read.

Ordered, That it be referred to Messrs. SHERMAN, IZARD, and JOHNSTON, to consider and report thereon.

Mr. HAWKINS, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay, and to invalidate pensions," reported amendments, which were read.

Ordered, That the report lie on the table.

A message from the House of Representatives informed the Senate that the House of Representatives recede from their last amendment to the bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" and that they agree to the resolution of the Senate of the 20th instant, appointing a joint committee for the purpose therein mentioned, and have appointed a committee on their part.

Also, that they have passed the bill, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another

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enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797;" in which they desire the concurrence of the Senate.

Mr. HAWKINS, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," reported amendments; which report was read.

The bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was read the first time.

Ordered, That this bill pass to the second reading.

WEDNESDAY, February 22.

The amendments reported by the committee on the bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," were considered and agreed to; and the bill was ordered to pass to the third reading.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established;" in which they desire the concurrence of the Senate.

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

Mr. BUTLER reported from the committee to whom was referred the petition of Charles Colvill, which was read, and ordered to lie on the table.

THURSDAY, February 23.

The bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," was read the third time.

On motion to expunge the last section of the bill, as it was amended, to wit:

"*Sec. — And be it further enacted*, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed twenty thousand dollars;"

It passed in the negative; yeas 8, nays 18, excused 1—as follows:

YEAS.—Messrs. Bassett, Bradley, Monroe, Robinson, Rutherford, Sherman, Strong, and Wingate.

NAYS.—Messrs. Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Morris, Read, and Stanton.

EXCUSED.—Mr. Butler.

On motion to amend the last section of the bill, as followeth:

"*And be it further enacted*, That the President of the United States be authorized to distribute such sums as he may think proper among the Indians in alliance with the United States, not exceeding twenty thousand dollars in the whole;"

It passed in the negative.

On motion to reduce the number of each regiment to nine hundred and twelve non-commissioned officers, privates, and musicians, instead of nine hundred and sixty, reported by the committee,

It passed in the negative; yeas 8, nays 18, excused 1—as follows:

YEAS.—Messrs. Burr, Cabot, Few, Rutherford, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Bassett, Bradley, Carroll, Dickinson, Ellsworth, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Monroe, Morris, Read, and Robinson.

EXCUSED.—Mr. Butler.

On motion to expunge the second section of the bill, which provides:

"That there shall be raised, for a term not exceeding three years, three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians. And that the President may employ as many of the said troops as riflemen as he shall think proper: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes;"

And substitute the following:

"*Sec. — And be it further enacted*, That the President of the United States be, and he hereby is, authorized to engage such number of expert woodsmen, to serve as infantry or cavalry, as, in his judgment, the public service may require: *Provided*, That the entire number of non-commissioned officers and privates shall not exceed two thousand: *And, provided*, That the infantry and cavalry shall not be engaged for a longer term than ten months, nor be allowed, the infantry more than twenty-five cents per day, nor the cavalry, each person engaged finding his own horse, arms, and accoutrements, and at his own risk, seventy-five cents per day, and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith. And the allowance to the non-commissioned officers, whether in the infantry or cavalry, shall not exceed, to those of the infantry thirty-three cents and one-third of a cent per day, and to those of the cavalry one dollar and twenty-five cents per day;"

It passed in the negative; yeas 12, nays 15—as follows:

YEAS.—Messrs. Bradley, Butler, Few, Foster, Gunn, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, and Rutherford.

On the question, Shall this bill pass, as amended?

It was resolved in the affirmative; yeas 16, nays 11—as follows:

YEAS.—Messrs. Bassett, Burr, Cabot, Carroll, Dick-

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inson, Ellsworth, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, and Rutherford.

YAYS.—Messrs. Bradley, Butler, Few, Foester, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this bill as amended.

The bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was read the second time.

On motion to amend the first part of the first section of the bill, as followeth:

"That, from and after the 3d day of March, 1793, the House of Representatives shall be composed of one hundred members, elected agreeably to a ratio of one member for every thirty thousand inhabitants in each State, computed according to the rule prescribed by the Constitution;"

It passed in the negative; yeas 11, nays 16—as follows:

YEAS.—Messrs. Bassett, Cabot, Dickinson, Ellsworth, Foester, Langdon, Read, Robinson, Sherman, Strong, and Wingate.

NAYS.—Messrs. Bradley, Burr, Butler, Carroll, Few, Gunn, Hawkins, Henry, Izard, Johnston, King, Lee, Monroe, Morris, Rutherford, and Stanton.

On motion to amend the first part of the first section, as followeth:

"That, from and after the 3d day of March, 1793, the House of Representatives shall be composed of one hundred and nineteen members, elected agreeably to a ratio of one member for every thirty thousand inhabitants in each State, computed according to the rule prescribed by the Constitution;"

And, after debate, *Ordered*, That the further consideration of this bill be postponed.

FRIDAY, February 24.

Ordered, That the Secretary desire the House of Representatives to return the bill, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," with the amendments, for the purpose of correcting a mistake.

The House of Representatives returned the bill and amendments to the Senate by their Clerk; and the mistake being rectified, they were by the Secretary again carried to the House of Representatives.

The bill sent from the House of Representatives, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established," was read the second time; and, after agreeing to amend the said bill, it was ordered to the third reading.

The further consideration of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the

several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was postponed until Thursday next.

MONDAY, February 27.

The bill sent from the House of Representatives, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established," was read the third time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, LEE, and STRONG, to report thereon.

A message from the House of Representatives informed the Senate, that the House of Representatives agree upon some, disagree to some, and agree to other amendments of the Senate, with amendments, on the bill, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States."

The Senate proceeded to consider the resolutions of the House of Representatives on the last mentioned bill; which are (so far as material) as follow:

In the amendment to the second section, strike out the last paragraph in the clause proposed to be inserted by the Senate, in these words, to wit:

"And that the said regiments shall be otherwise organized, as the regiment of infantry described in an act passed the second session of the first Congress, entitled 'An act for regulating the military establishment of the United States;'"

And in lieu thereof insert,

"*Provided always, and be it enacted*, That it shall be lawful for the President of the United States to organize the said five regiments of infantry, and the said corps of horse and artillery, as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper, so that the whole number of officers and men shall not exceed the limits above prescribed."

In the thirteenth amendment to the eighth section, after the words "three dollars" for the pay of the privates, insert:

"And at the rate of one dollar per month, to be paid according to the accumulated amount at the time of discharge to each soldier respectively; or in case of death in the service, according to the amount then accumulated, to be paid to his widow, if any, if not, to his next of kin, in equal degree; which reserved pay shall not be assignable."

To these amendments the Senate agreed in part, and disagreed as to others.

Ordered, That all bills, before they are sent to the House of Representatives, be examined by the committees respectively who brought in such bills, or to whom the same shall have been last committed in Senate.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions;" and the report of the committee thereon being read, it was agreed to amend the bill accordingly.

Ordered, That this bill pass to a third reading.

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TUESDAY, February 28.

The memorial of Moses Young, praying compensation for services rendered the United States during the late war, was presented and read.

Ordered, That this memorial be referred to Messrs. BUTLER, ELLSWORTH, and LEE, to examine and report thereon to the Senate.

The Senate proceeded to the third reading of the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions."

On motion to restore that part of the first section which was yesterday rejected, to be read as follows:

"So much of the resolution of Congress of the 24th of August, 1780, as declares that the resolution of the 15th of May, 1778, granting half pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die in the service, shall be deemed and considered to extend to the cases of the widows and orphans of all officers who died or were slain in the said service, at any time between the commencement of hostilities in the late war with Great Britain, and the aforesaid 15th day of May, 1778. And the officers of the Treasury are hereby authorized to settle the claims of the widows or orphans of such officers, as the case may be, and to issue certificates for the same in the usual manner;"

It passed in the negative.

On motion to restore the second section of the bill, which was yesterday rejected, to wit:

"*Sec. 2. And be it further enacted*, That such officers as have been disabled in the service of the United States during the late war, whose disability and rate of allowance have been ascertained pursuant to the acts or regulations of Congress, and who, from an inability to return their whole commutation, as required by the act of the 22d day of March, 1793, have not received the said allowance, shall now be entitled to demand and receive the same, returning only such part of the said commutation as will be in due proportion to the said rate of allowance, calculating interest at six per cent. on the allowance and proportion of the commutation aforesaid, from the times they respectively became due, or were paid; and that their respective accounts be settled and adjusted accordingly;"

It passed in the negative.

A message from the House of Representatives informed the Senate, that they desire a conference with the Senate on the subject-matter of the amendments to the act "for making further and more effectual provision for the protection of the frontiers of the United States," having appointed managers at the said conference on their part.

The Senate proceeded to the consideration of the message; and,

Resolved, That they agree to the proposed conference, and that Messrs. ELLSWORTH, BUTLER, and KING, be managers thereof on the part of the Senate.

The Vice President laid before the Senate a Letter from the Treasurer of the United States, enclosing his specie account to 31st of December, 1791; which was read, and, together with the account, ordered to lie on the table.

WEDNESDAY, February 29.

A petition of Moses Hazen, late Brigadier General in the army of the United States, was presented and read, praying that he may be furnished with certain papers, or copies of papers, therein referred to. Also, a memorial of the said Moses Hazen, that his petitions to Congress of the 25th of October, and the 15th of December, 1791, said to have been read in the House of Representatives, may be considered.

Ordered, That these petitions lie on the table.

A petition of John Little, a captain of militia, was presented and read, praying relief in consideration of a wound received in the service of the United States during the late war.

Ordered, That this petition lie on the table.

The petition of Gilbert Dean was presented and read, praying compensation for personal services rendered the United States during the late war.

Ordered, That this petition be referred to the Secretary of War, to examine and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House of Representatives have appointed a manager of the proposed conference, in the place of one prevented from attendance by accident.

The Senate proceeded in the third reading of the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions," and it was agreed to amend the fourth section, as followeth:

"*Sec. 4. And be it further enacted*, That any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States during the late war, by wounds or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States, during life, or the continuance of such disability, and shall also be allowed such further sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance in consequence of his disability, as the circuit court of the district in which they respectively reside may think just."

On motion to subjoin the following proviso to the end of the fourth section:

"*And provided also*, That the benefit of this act shall extend to the cases of those invalids referred to the Secretary of War, and respecting whom he has reported they would be entitled to pensions as invalids had they applied in time, and that they should be put on the pension list according to the allowances in the said report without taking the measures prescribed by this act to obtain the said pension;"

It passed in the negative.

On motion to subjoin the following clause to the end of the last section of the bill:

"*And be it further enacted*, That, from and after the expiration of two years from the passing of this act, no officer, soldier, or seaman, shall receive any pension, unless such person shall be entitled thereto, in pursuance of an adjudication of the circuit court, in the manner prescribed in the second section of this act;"

It passed in the negative.

Resolved, That this bill pass as amended, and

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that the Secretary desire the concurrence of the House of Representatives in the bill as amended.

The second reading of the bill sent from the House of Representatives, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," was resumed; and,

On motion to strike out the first section, It passed in the affirmative—yeas 16, nays 9, as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Carroll, Ellsworth, Foster, Hawkins, Johnston, King, Langdon, Lee, Monroe, Rutherford, Sherman, Strong, and Wingate.

NAYS.—Messrs. Bassett, Butler, Dickinson, Few, Gunn, Izard, Morris, Read, and Stanton.

Ordered, That the further consideration of this bill be postponed.

THURSDAY, March 1.

The petition of Lewis Dubois and others, officers in the New York line of the army during the late war, was presented and read, praying that the depreciation of their pay for the time they were in the service of the United States might be allowed them.

Ordered, That the petitioners have leave to withdraw their petition.

Mr. SHERMAN made report, from the joint committee appointed to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed to the next session of Congress, that the proceedings may be so regulated as to close this session by the first Tuesday of April next.

And the report being read, it was ordered to lie on the table.

Mr. SHERMAN, from the committee appointed to consider the application of James Mathers, Doorkeeper to the Senate, for compensation during the recess, made report, which was read and agreed to.

Ordered, That the said James Mathers be allowed three hundred and forty-nine dollars and a half, for his services in the late recess of Congress.

Ordered, That the Vice President certify the balance due to James Mathers, Doorkeeper to the Senate, for services during the last recess.

Ordered, That the committee last mentioned be instructed to bring in a bill providing for the annual salaries of the Doorkeepers of the Senate and of the House of Representatives, respectively.

Ordered, That Messrs. BURR, GUNN, and MORRIS, be appointed a committee to consider the expediency of building a light-house on Montauk point, on Nassau island, in the State of New York, and, if they think expedient, to report a bill for that purpose.

The petition of Samuel Augustus Barker, an officer in the service of the United States during the late war, was presented and read, praying that the half pay allowed to the officers of the late army may be extended to him.

Ordered, That the petitioner have leave to withdraw his petition.

Ordered, That the further consideration of the

bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," be postponed until Monday next.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and agreed so far to reconsider the resolution of yesterday, as to restore the first section of the bill as amended by the committee, as followeth:

"Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of Colonel Owen Roberts, Captain William White, Lieutenant Colonel Bernard Eliot, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, and Major Charles Motte, deceased; all of whom were killed or died in the service of the United States, for the seven years' half pay stipulated by the resolve of Congress of the 24th day of August, 1780; and that the Register of the Treasury do issue his certificates accordingly."

It was agreed to insert the following as the second section:

"Section 2. *And be it further enacted*, That the officers of the Treasury be, and they are hereby, authorized to re-examine the accounts of Isaac Ledyard, late assistant deputy director, and John Berrien, late commissary of the hospital department; and if any error has taken place in the settlement of the said accounts, to correct the same."

And having agreed to further amendments, the bill was ordered to pass to the third reading.

A memorial of Samuel Howell and other merchants of Philadelphia, trading to India, China, and other parts of Asia, was presented and read, stating certain discouragements in the prosecution of that branch of commerce, and praying such interposition as Congress, in their wisdom, may deem expedient.

Ordered, That this petition lie on the table.

FRIDAY, March 2.

Mr. ELLSWORTH reported, from the managers of a conference to which they were appointed, as followeth:

"The conferees having met and conferred on the matters of disagreement between the Houses, on the bill, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," have agreed, that it will be proper for the House of Representatives to recede from their disagreement to the amendments of the Senate to the sixteenth section, and agree to the same. And that it will be proper for both Houses to agree to the fifteenth section amended, to read as followeth:

"*And be it further enacted*, That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem re-

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quisite, such number of cavalry as in his judgment may be necessary for the protection of the frontiers: *Provided*, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms, and accoutrements, and at his own risk, and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith."

And the report being read, it was ordered to lie on the table.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the report of the managers of the conference on the bill, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States."

The Senate proceeded to consider the resolution of the House of Representatives, adopting the report of the managers of the conference last mentioned; whereupon,

Resolved, That the Senate concur with the House of Representatives in the adoption of the said report.

The Senate proceeded to the third reading of the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

On motion to restore the words "Richard Shubrick" to the bill, as it came from the House of Representatives, it passed in the negative.

On motion to strike out the clause adopted yesterday as the second section, to wit:

"Section 2. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of Colonel Owen Roberts, Captain William White, Lieutenant Colonel Bernard Eliot, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, and Major Charles Motte, deceased, (all of whom were killed or died in the service of the United States,) for the seven years' half pay stipulated by the resolve of Congress of the 24th day of August, 1780; and that the Register of the Treasury do issue his certificates accordingly:"

It passed in the negative.

Resolved, That this bill pass as amended, and that the Secretary desire the concurrence of the House of Representatives in this bill as amended.

The petition of James Simons, an officer in the army of the United States during the late war, was presented and read, praying compensation for his services.

Ordered, That this petition be referred to the Secretary of War, to report thereon.

MONDAY, March 5.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth amendments to the fourth section of the bill, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," and agree to all the other amendments thereon.

The Senate proceeded to consider their amendments disagreed to by the House of Representatives on the bill above mentioned; and,

Resolved, That they insist thereon, desire a conference with the House of Representatives on the disagreeing votes of the two Houses, and that Messrs. ELLSWORTH, STRONG, and RUTHERFORD, be appointed managers thereof, on the part of the Senate.

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

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

Knowing the friendly interest you take in whatever may promote the happiness and prosperity of the French nation, it is with pleasure that I lay before you the translation of a Letter which I have received from his most Christian Majesty, announcing to the United States of America his acceptance of the Constitution presented to him in the name of his nation.

G. WASHINGTON.

UNITED STATES, March 5, 1792.

[Translation.]

Very dear, Great Friends and Allies:

We make it our duty to inform you that we have accepted the Constitution which has been presented to us in the name of the nation, and according to which France will be henceforth governed.

We do not doubt that you take an interest in an event so important to our Kingdom, and to us; and that it is with real pleasure we take this occasion to renew to you assurances of the sincere friendship we bear you. Whereupon, we pray God to have you, very dear, great friends and allies, in his just and holy keeping.

Written at Paris, the 19th of September, 1791.

Your good friend and ally,

LOUIS.

MONTMORIN.

The UNITED STATES OF NORTH AMERICA.

Another written Message was, at the same time, received from the President of the United States, as followeth:

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

I lay before you a copy of the Return of the number of inhabitants in the district of South Carolina, as made to me by the Marshal thereof; and the copy of a letter which accompanied said return.

G. WASHINGTON.

UNITED STATES, March 3, 1792.

The schedule referred to in the last recited Message is as followeth:

DISTRICT OF SOUTH CAROLINA.

Free white males of sixteen years, and upwards, including heads of families	-	-	-	35,576
Free white males under sixteen years	-	-	-	37,723
Free white females, including heads of families	-	-	-	66,880
All other free persons	-	-	-	1,801
Slaves	-	-	-	107,094
Total	-	-	-	249,073

The Messages and papers therein mentioned were read, and ordered to lie on the table.

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Agreeably to the order of the day, the Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration; and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797;" and, after progress, the further consideration thereof was postponed.

TUESDAY, March 6.

Mr. BURR, from the committee appointed to consider of the expediency of building a lighthouse on Montauk point, reported, that the measure appeared to the committee expedient and necessary, and that they had prepared a draft of a bill for that purpose.

The bill was presented and read the first time, and ordered to pass to the second reading.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the proposed conference on the amendments insisted on by the Senate to the bill, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," and have appointed managers on their part.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797."

And, on motion to amend the title and the first section, as follows:

"An Act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1803.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of one hundred and twenty members, elected within the several States according to the following apportionment: that is to say, within the State of New Hampshire five, within the State of Massachusetts sixteen, within the State of Vermont three, within the State of Rhode Island two, within the State of Connecticut eight, within the State of New York eleven, within the State of New Jersey six, within the State of Pennsylvania fourteen, within the State of Delaware two, within the State of Maryland nine, within the State of Virginia twenty-one, within the State of Kentucky two, within the State of North Carolina twelve, within the State of South Carolina seven, and within the State of Georgia two;"

It passed in the negative; yeas 13, nays 14—as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Sherman, and Strong.

On motion to amend the first clause of the first section, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of members elected within the several States, according to the following apportionment: that is to say,"

It passed in the affirmative; yeas 15, nays 12—as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, and Morris.

On motion to amend the second clause of the first section, as follows:

"Within the State of New Hampshire four, within the State of Massachusetts fourteen, within the State of Vermont two, within the State of Rhode Island two, within the State of Connecticut seven, within the State of New York ten, within the State of New Jersey five, within the State of Pennsylvania thirteen, within the State of Delaware one, within the State of Maryland eight, within the State of Virginia nineteen, within the State of Kentucky two, within the State of North Carolina ten, within the State of South Carolina six, and within the State of Georgia two;"

It passed in the negative; yeas 11, nays 16—as follows:

YEAS.—Messrs. Bradley, Cabot, Ellsworth, Foster, King, Langdon, Robinson, Rutherford, Sherman, Strong, and Wingate.

NAYS.—Messrs. Bassett, Burr, Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, Morris, Read, and Stanton.

On motion to agree to the title, and the first section of the bill, amended as follows:

"An Act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of members elected within the several States according to the following apportionment: that is to say, within the State of New Hampshire four, within the State of Massachusetts fifteen, within the State of Vermont two, within the State of Rhode Island two, within the State of Connecticut seven, within the State of New York eleven, within the State of New Jersey five, within the State of Pennsylvania fourteen, within the State of Delaware one, within the State of Maryland nine, within the State of Virginia twenty-one, within the State of Kentucky two, within the State of North Carolina eleven, within the State of South Carolina six, within the State of Georgia two;"

It passed in the affirmative; yeas 15, nays 12—as follows:

YEAS.—Messrs. Bassett, Burr, Butler, Carroll, Few,

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Gunn, Hawkins, Henry, Izard, Johnston, King, Lee, Monroe, Morris, and Read.

NAYS.—Messrs. Bradley, Cabot, Dickinson, Ellsworth, Foster, Langdon, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

On motion to expunge the second section of the bill as it came from the House of Representatives, it passed in the affirmative; yeas 14, nays 13—as follows:

YEAS.—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Foster, King, Morris, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Bassett, Burr, Butler, Few, Gunn, Hawkins, Henry, Izard, Johnston, Langdon, Lee, Monroe, and Read.

On motion, it was agreed to restore the second section, so amended as to provide for an enumeration to be taken in the year 1798, instead of the year 1796.

On motion, it was agreed to expunge the third and fourth sections of the bill as it passed the House of Representatives.

Ordered, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" in which they desire the concurrence of the Senate.

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

WEDNESDAY, March 7.

The bill to erect a light-house on Montauk Point, in the State of New York, was read the second time, and the further consideration thereof postponed.

The bill sent from the House of Representatives, entitled "An act for the apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was read the third time.

Ordered, That the further consideration of this bill be postponed until Tuesday next.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a resolution agreeing to some, and disagreeing to other, amendments of the Senate on the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

The resolution of the House of Representatives, on the amendments above mentioned, was read, and ordered to lie on the table.

THURSDAY, March 8.

Ordered, That Messrs. STRONG, LEE, and ELLSWORTH, be appointed a committee, to consider and report any alterations that may be necessary in the mode of entering and publishing the journals of the Senate.

The bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," was read the second time.

Ordered, That this bill be referred to Messrs. GUNN, BURR, BRADLEY, DICKINSON, and STANTON, to consider and report thereon.

FRIDAY, March 9.

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

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

I now lay before you a general account rendered by the bankers of the United States at Amsterdam, of the payments they have made between the 1st of July, 1790, and 1791, from the fund deposited in their hands, for the purposes of the act providing the means of intercourse between the United States and foreign nations, and of the balance remaining in their hands; together with a letter from the Secretary of State on the subject.

G. WASHINGTON.

UNITED STATES, March 9, 1792.

The papers referred to in the said Message were read, and ordered to lie on the table.

Ordered, That the consideration of the resolution of the House of Representatives, of the 7th of March, on the amendments of the Senate to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," be postponed until the managers of the conference on the bill, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions," shall report.

A motion was made and seconded, that a committee be appointed to prepare and bring in a bill, by which the United States shall assume _____ dollars for the State of Vermont, and make provision, by loan or otherwise, for the payment of the same, in like manner as is provided for the payment of the twenty-one million and five hundred thousand dollars, assumed as the debts of the several States, in an act, entitled "An act making provision for the debts of the United States."

Ordered, That this motion lie on the table.

MONDAY, March 12.

Mr. ELLSWORTH, from the managers appointed on the part of the Senate, to attend the conference, agreeably to the order of the 5th instant, made a report; which was received and read.

Ordered, That it lie on the table.

Mr. STRONG, from the committee appointed to consider and report any alterations that may be necessary in the mode of entering and publishing the journals of the Senate, made a report; which was received and read. Whereupon,

Ordered, That the proceedings of the Senate, when not acting as in a Committee of the Whole House, be entered on the journals as concisely as possible; due care being taken to detail a true and accurate account of the proceedings.

That the titles of bills and such parts thereof

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only as shall be affected by proposed amendments, be inserted on the journals.

That the Secretary be directed, once in each week at least, to furnish one of the printers of a public newspaper with a copy of the journals of the Senate, while in their Legislative capacity, unless otherwise specially directed.

A motion was made and seconded, that it be

Resolved, That the President of the United States of America be requested to make known to the King of the French the satisfaction with which the Senate of the United States has received the official communication of his acceptance of a Constitution, which, it is their earnest wish, may establish, on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the Monarch presiding over it.

Ordered, That the consideration of this motion be postponed until to-morrow.

It was agreed, by unanimous consent, that the order assigning to-morrow for the third reading of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," be reconsidered, and to proceed at this time in the third reading of the said bill.

On motion to amend the first section, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of one hundred and twenty members, elected within the several States according to the following apportionment: that is to say, within the State of New Hampshire five, within the State of Massachusetts sixteen, within the State of Vermont three, within the State of Rhode Island two, within the State of Connecticut eight, within the State of New York eleven, within the State of New Jersey six, within the State of Pennsylvania fourteen, within the State of Delaware two, within the State of Maryland nine, within the State of Virginia twenty-one, within the State of Kentucky two, within the State of North Carolina twelve, within the State of South Carolina seven, and within the State of Georgia two;"

It passed in the affirmative; yeas 14, nays 13—as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, and Sherman.

On motion to amend the amendment last agreed to, by inserting these words, after the word "apportionment:"

"Made by dividing the whole aggregate numbers of the people in the United States by thirty thousand, and apportioning them among the several States by that ratio, until they shall respectively have the number to which it will entitle them, and the residue of said members among those States having the highest fractions:"

2d CON.—5

It passed in the negative; yeas 7, nays 20—as follows:

YEAS.—Messrs. Carroll, Dickinson, Henry, Johnston, Lee, Monroe, and Morris.

NAYS.—Messrs. Bassett, Bradley, Burr, Butler, Cabot, Ellsworth, Few, Foster, Gunn, Hawkins, Izard, King, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

On motion to amend the first enacting clause, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, from and after the third day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and twenty members, being one member for every thirty thousand persons within the United States, computed according to the rule prescribed by the Constitution, and who shall be apportioned to and elected within the several States, according to their respective numbers:"

It passed in the negative; yeas 11, nays 16—as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Rutherford, Sherman, Stanton, and Strong.

It was agreed to expunge the second section as adopted by the Senate on the 6th instant, and that the title of the bill be amended as follows:

"An Act for an apportionment of Representatives among the several States according to the first enumeration."

On the question, Shall this bill pass as amended? It passed in the affirmative; yeas 14, nays 13—as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, and Sherman.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this bill as amended.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury, accompanied with returns of the various descriptions of vessels employed during the year ending the 30th of September, 1790, in the import trade of each State at that time comprehended in the Union, together with the foreign places from whence they departed for the United States. Also, the returns exhibiting, as far as the public accounts admit, the various species of merchandise imported during the year ending on the 30th day of September above mentioned.

Ordered, That the Letter and papers referred to lie on the table.

TUESDAY, March 13.

The Senate resumed the consideration of the motion made yesterday on the Message from the

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President of the United States, transmitting a copy of a Letter from his Most Christian Majesty to the United States of America.

A motion was made and seconded to postpone this motion, in order to take up the following:

Resolved, That the President of the United States be informed that the Senate have received with satisfaction the official intelligence that the King of the French has accepted the Constitution presented to him by the National Assembly, and are highly gratified by every event that promotes the freedom and prosperity of the French nation and the happiness and glory of their King."

It passed in the negative; yeas 6, nays 21—as follows:

YEAS.—Messrs. Bassett, Cabot, Ellsworth, King, Strong, and Wingate.

NAYS.—Messrs. Bradley, Burr, Butler, Carroll, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Robinson, Rutherford, Stanton, and Sherman.

The original motion, being amended, was agreed to. Whereupon, it was

Resolved, That the President be requested to make known to the King of the French, that the Senate of the United States have received with the highest satisfaction the official communication of his acceptance of a Constitution which, it is their earnest wish, may establish, on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the Monarch presiding over it.

WEDNESDAY, March 14.

Ordered, That the resolution of the Senate, on the Message of the President of the United States, enclosing the Letter from his Most Christian Majesty, be signed by the Vice President, and laid before the President of the United States, by the Secretary.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act declaring the consent of Congress to a certain act of the State of Maryland, and to continue, for a longer time, an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations;" to which they desire the concurrence of the Senate.

The report of the managers of the conference on the matters of disagreement between the two Houses on the bill, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions," was again read, and agreed to.

Resolved, That the Senate insist on their amendments to the said bill, to which the House of Representatives have disagreed; and agree further to amend the bill, by inserting, between the fourth and fifth sections, a section, as follows, to wit:

And be it further enacted, That the Clerk of the District Court in each district shall publish this act in such manner as the Judge of the District Court shall think effectual, to give general information thereof to the

people of the District; and shall give like information of the times and places of holding the Circuit Courts in such district. And, in districts wherein a circuit court is not directed by law to be holden, the Judge of the District Court shall be, and he is hereby, authorized to exercise all the powers given by this act to the respective Circuit Courts. And it shall be the duty of the Judges of the Circuit Courts respectively during the term of two years from the passing of this act, to remain at the place where the said courts shall be holden five days, at the least, from the time of opening the sessions thereof, that persons disabled as aforesaid may have full opportunity to make their application for the relief proposed by this act."

Mr. BUTLER reported, from the committee on the petition of Moses Young, as follows:

"That they have fully examined the evidences of his claim, and are of opinion that it is founded in justice. They, therefore, recommend that he may have credit for his salary at the rate of five hundred pounds sterling a year, for the time he was engaged or employed in the public service, and that the sums received by his attorney be deducted therefrom."

On motion to agree to the report, it passed in the negative.

THURSDAY, March 15.

The second reading of the bill to erect a lighthouse on Montauk Point, in the State of New York, was resumed, and sundry amendments agreed to.

Ordered, That this bill be recommitted, with instruction to report such further amendments as, on inquiry, may be found requisite.

The bill sent from the House of Representatives, entitled "An act declaring the consent of Congress to a certain act of the State of Maryland, and to continue, for a longer time, an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations," was read the first time.

On motion, it was agreed, by unanimous consent, that this bill be now read the second and third times.

Resolved, That this bill pass.

FRIDAY, March 16.

Ordered, That a committee be appointed to consider and report what may be necessary to prevent the sufferings of persons imprisoned for debt, on judgments rendered in the courts of the United States, and that Messrs. ELLSWORTH, LEE, and STRONG, be the committee.

The Vice President laid before the Senate a Letter from the Secretary of the Treasury, with a return of the exports from the United States for one year, ending the 30th of September, 1791, exhibiting the islands and countries to which those exports have been shipped.

Mr. BURR, from the committee to whom was recommitted the bill to erect a lighthouse on Montauk Point, in the State of New York, reported amendments; which were read and agreed to.

Ordered, That this bill pass to a third reading.

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MONDAY, March 19.

A petition of Edward Darrell, attorney to Theodore Godet, administrator to Thomas Nelmes, was presented and read, praying compensation for a vessel and cargo of rice, said to be appropriated to the use of the United States during the late war.

Ordered, That this petition be referred to the Secretary of the Treasury, to examine and report thereon to the Senate.

The bill for erecting a light-house on Montauk Point, in the State of New York, was read a third time.

Resolved, That this bill pass, and that the Secretary desire the concurrence of the House of Representatives in this bill.

The Senate resumed the consideration of the resolution of the House of Representatives, of the 7th of March, on the amendments to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Resolved, That the Senate insist on all their amendments to the first section, except the last, from which they recede; and that they insist on their last amendment to the fourth section.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to all the amendments of the Senate to the bill, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration; and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," and desire a conference on the subject-matter of the said amendments, having appointed managers at the said conference on their part. They recede from their disagreement to the amendments of the Senate to the bill, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

The Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the amendments of the Senate to the bill, entitled "An act for an apportionment of Representatives among the several States according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," and desiring a conference.

Resolved, That the Senate agree to the conference, and that Messrs. ELLSWORTH, BURR, and BUTLER, be the managers thereof on the part of the Senate.

Mr. ELLSWORTH, from the committee appointed, reported a further amendment to the bill, entitled "An act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established;" which was read and agreed to.

Resolved, That this bill pass as amended.

Mr. SHERMAN, from the committee appointed for that purpose, reported a bill for fixing the com-

pensations of the Doorkeepers of the Senate and House of Representatives in Congress.

The bill was read the first time, and ordered to pass to a second reading.

TUESDAY, March 20.

The bill for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress, was read the second time; and, being amended, ordered to pass to a third reading.

Mr. GUNN reported, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States; which report was read, and ordered to be printed for the use of the Senate.

Mr. JOHNSTON obtained leave to bring in a bill to alter the times of holding certain of the circuit courts of the United States.

The bill was read the first time, and, by unanimous consent, read a second time, and referred to Messrs. JOHNSTON, SHERMAN, and STRONG, to consider and report thereon, and that it be an instruction to the committee to bring in a clause to establish such rotation in the attendance of the judges at the circuit courts as may best apportion the burden, and not impede the discharge of the duties of their office.

A message from the House of Representatives informed the Senate, that the House of Representatives recede from their disagreement to the amendments of the Senate to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons;" and agree to the amendments of the Senate to the bill, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established."

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

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

The several acts which have been passed relatively to the Military Establishment of the United States, and the protection of the frontiers, do not appear to have made provision for more than one Brigadier General; it is incumbent upon me to observe, that, with a view merely to the organization of the troops designated by those acts, a greater number of officers of that grade would, in my opinion, be conducive to the good of the public service. But an increase of the number becomes still more desirable in reference to a different organization which is contemplated, pursuant to the authority vested in me for that purpose, and which, besides other advantages expected from it, is recommended by considerations of economy. I therefore request that you will be pleased to take this subject into your early consideration, and to adopt such measures thereon as you shall judge proper.

G. WASHINGTON.

UNITED STATES, March 20, 1792.

The Message was read, and ordered that it be referred to Messrs. BURR, GUNN, and HAWKINS, to consider and report thereon.

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WEDNESDAY, March 21.

The Vice President laid before the Senate the petition of Thomas Claxton, praying an annual salary as an assistant Doorkeeper; which was read, and ordered to lie on the table.

The bill for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress, was read the third time.

On motion to insert these words, "and that the assistant Doorkeeper to each House shall be allowed, in full compensation for his services in said office, four hundred and fifty dollars per annum," it passed in the negative.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress."

Ordered, That the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States," be the order of the day for to-morrow.

Mr. JOHNSTON, from the committee to whom was referred the bill to alter the times of holding certain of the circuit courts of the United States, reported sundry amendments; which report was read, and agreed to.

Ordered, That this bill pass to a third reading.

THURSDAY, March 22.

The Senate resumed the consideration of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," as in committee of the whole; and, after progress, the further consideration thereof was postponed.

Mr. ELLSWORTH reported, from the managers of the conference on the amendments of the Senate to the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797;" that they had conferred with the managers appointed on the part of the House of Representatives, but had come to no agreement.

On motion to insist on the amendment to the first section of the bill above mentioned, it was resolved in the affirmative—yeas 14, nays 13, as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, Morris, and Sherman.

On motion to recede from all the amendments to the bill, subsequent to the first section, it passed in the negative—yeas 9, nays 17, as follows:

YEAS.—Messrs. Carroll, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, and Monroe.

NAYS.—Messrs. Bassett, Bradley, Burr, Cabot, Dickinson, Ellsworth, Foster, King, Langdon, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

On motion,

Resolved, That the Senate insist on all the amendments subsequent to the first section of the bill above mentioned.

A petition of Augustus Christian Geo. Elholm was presented and read, praying encouragement in the prosecution of certain discoveries respecting "the fundamental law that rules our solar system, together with the cause of the motions and variations of the magnetic needle; and for compensation for a supply of arms to the United States during the late war."

Ordered, That this petition lie on the table.

The bill to alter the times of holding certain of the circuit courts of the United States, was read the third time; and, being amended, it was

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act for altering the times of holding the circuit courts in certain districts of the United States, and for other purposes."

Mr. BURR, from the committee appointed on the Message of the President of the United States of the 20th instant, reported a bill supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States; which was read the first time, and ordered to pass to the second reading.

FRIDAY, March 23.

The bill supplemental to the act making further and more effectual provision for the protection of the frontiers of the United States, was read the second time; and being amended, was ordered to pass to the third reading.

It was agreed, by unanimous consent, that this bill be now read the third time, and it was so read, and passed.

On motion by Mr. MORRIS, seconded by Mr. DICKINSON, the petitions of the "Societies of the people called Quakers," resident in New England, in the States of New York, of Pennsylvania, of New Jersey, of Delaware, of Maryland, of Virginia, and of North Carolina, were severally read, praying exemption from militia duty.

Ordered, That the petitions lie on the table.

The second reading of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States," was resumed, as in committee of the whole; and, after progress, the further consideration thereof was postponed.

MONDAY, March 26.

Mr. STRONG reported, from the committee to whom was referred the memorial of the Illinois and Wabash land companies; which report was read, and ordered to be printed for the use of the Senate.

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A motion was made by Mr. MONROE, seconded by Mr. LEE, as follows:

Resolved, That it be a standing rule, that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in their Legislative capacity, except on such occasions as in their judgment may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress; and it passed in the negative—yeas 8, nays 17, as follows:

YEAS.—Messrs. Butler, Carroll, Foster, Hawkins, Johnston, King, Lee, and Monroe.

NAYS.—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Few, Gunn, Henry, Izard, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

The Senate resumed the second reading of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, after progress, the further consideration thereof was postponed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill sent from the Senate, entitled "An act establishing a Mint, and regulating the coins of the United States," with an amendment, in which they desire the concurrence of the Senate.

The Senate took into consideration the said message; and,

Resolved, That they disagree to the amendment to the bill therein mentioned.

The Senate took into consideration the amendment of the House of Representatives to the bill sent from the Senate, entitled "An act supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States."

Resolved, That they agree to the said amendment.

The bill from the House of Representatives, entitled "An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina," was read the first time, and ordered to pass to the second reading.

The bill sent from the House of Representatives, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes," was read the first time, and ordered to pass to the second reading.

TUESDAY, March 27.

The bill sent from the House of Representatives, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes," was read the second time; and the petition, and other papers on which it was founded, being read,

Ordered, That this bill be referred to Messrs. STRONG, LEE, and READ, to consider and report thereon.

The Senate proceeded to consider the resolution of the House of Representatives, in which

they adhere to their amendment to the bill establishing a Mint, and regulating the coins of the United States.

Resolved, That the Senate recede from their disagreement to the said amendment.

The bill sent from the House of Representatives, entitled "An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina," was read the second time.

Ordered, That it be referred to Messrs. JOHNSTON, LANGDON, and SHERMAN, to consider and report thereon.

Mr. CABOT presented a resolution of the Legislature of the State of Massachusetts, on the petition of Charles Knowles and others, late regimental paymasters and agents of that State's quota of the continental army; which was read, and ordered to be referred to the Secretary of War, 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 more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, after progress, adjourned.

WEDNESDAY, March 28.

Mr. JOHNSTON reported, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina;" and it was accordingly read a third time and passed.

Ordered, That it be referred to the Secretary of the Treasury to inquire into, and report to Congress at their next session, the expediency of erecting a light-house on Ocracock island, or elsewhere, near the entrance of Ocracock inlet, and an estimate of the probable expense.

Mr. IZARD presented the petition of Laurens Manning, an officer in the South Carolina line of the late army, praying to be allowed his commutation; which was read, and ordered that it be referred to Messrs. IZARD, SHERMAN, and KING, to consider and report thereon.

Ordered, That Messrs. MORRIS, KING, and CABOT, be a committee to report a bill compensating the services of the late George Gibson.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, after agreeing to sundry amendments, as reported by the committee, *Ordered*, that this bill pass to the third reading.

THURSDAY, March 29.

The bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," was read the third time.

On motion, it was agreed further to amend the

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bill, as follows; to strike out the proviso at the end of the first section, to wit:

“Provided always, That if any person, enrolled as aforesaid, shall, by a majority of the field officers of the regiment to which he may belong, be deemed and adjudged unable to purchase the arms and accoutrements required by this act, he shall be excused from a forfeiture for any deficiency therein, until he can procure them, or until they are provided for him.”

To expunge these words from section 7, “and the said Adjutant General shall have the rank of a Brigadier in the militia.”

Also, these words, section 8, “prescribed to the late army of the United States by the then Major General Baron Steuben,” so that the paragraph be read as follows: “*Sec. 2. And be it further enacted,* That the rules of discipline approved and established by Congress, in their resolution of the twenty-ninth day of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States.”

It was also agreed to expunge the 16th section, to wit:

“And be it further enacted, That nothing in this act shall be construed to prevent any State from establishing such further regulations for the more effectually training their militia, according to the foregoing rules of discipline, as the Legislature thereof shall think proper to direct.”

On motion by Mr. RUTHERFORD, seconded by Mr. LEE, to add the following proviso to an amendment agreed on in Committee of the Whole, as the last section of the bill:

“And provided further, That no sentence of a court martial shall extend to the taking of life or limb, or to any corporal punishment, except in case an officer or private shall hold a traitorous correspondence with the enemy, or shall desert, or attempt to desert, to them, or shall misbehave in time of action, or shamefully abandon any post, or shall speak words inducing others to offend in any of the foregoing instances:”

It passed in the negative.

On the question, Shall this bill pass, as amended? It was resolved in the affirmative—yeas 22, nays 1, as follows:

YEAS.—Messrs. Bassett, Bradley, Cabot, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Monroe, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

Mr. Rutherford voted in the negative.

FRIDAY, March 30.

The VICE PRESIDENT laid before the Senate a Letter from Thomas Fielder, representing that there are certain deficiencies in the “present laws respecting exclusive privileges to original inventors;” which was read, and ordered to lie.

Ordered, That Messrs. CABOT, IZARD, and SHERMAN, be a committee to consider the expediency of, and, if they think proper, to report a bill respecting fugitives from justice, and from the service of masters.

Resolved, That the Secretary of the Senate be directed to procure, and deposit in his office, the laws of the several States, for the use of the Senate.

MONDAY, April 2.

Mr. ELLSWORTH reported, from the committee appointed for that purpose, a bill for the relief of persons imprisoned for debt; which was read the first time, and ordered to pass to the second reading.

Ordered, That Messrs. IZARD, MORRIS, and LANGDON, be a committee to bring in a bill further to extend the act, entitled “An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.”

Mr. STRONG, from the committee to whom was referred the bill sent from the House of Representatives, entitled “An act ascertaining the bounds of a tract of land purchased by John Cleves Symmes,” reported an amendment, which was agreed to.

Ordered, That this bill pass to the third reading.

TUESDAY, April 3.

Ordered, That Messrs. KING, STRONG, and ELLSWORTH, be a committee to consider and report whether any, and what, alterations are necessary to be made in the acts establishing the Treasury and War Departments.

The bill sent from the House of Representatives, entitled “An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes,” was read the third time, and the further consideration thereof postponed.

The bill for the relief of persons imprisoned for debt was read the second time; and, being amended, the bill was ordered to pass to the third reading.

WEDNESDAY, April 4.

The bill sent from the House of Representatives, entitled “An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes,” was read the third time.

Resolved, That this bill pass as amended.

The bill for the relief of persons imprisoned for debt was read the third time.

On motion, to insert these words in lieu of the second section:

“That persons imprisoned as aforesaid shall be entitled to the same allowance for support as debtors confined in the same jails by executions issuing from the courts of such States are entitled to by the laws of the same, subject to the like regulations and restrictions;”

It passed in the negative.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, “An act for the relief of persons imprisoned for debt.”

Resolved, That a committee be appointed to bring in a bill for joining the Secretary, Comptroller, and Auditor, of the Treasury, to the Board of Commissioners for settling the accounts between the United States and the individual States.

Ordered, That the consideration of this motion be postponed until to-morrow.

Mr. IZARD reported from the committee appointed to take into consideration the subject relative to Weights and Measures.

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Ordered, That the report be printed for the use of the Senate.

THURSDAY, April 5.

The consideration of the motion made yesterday, "that a committee be appointed to bring in a bill for joining the Secretary, Comptroller, and Auditor of the Treasury, to the Board of Commissioners for settling the accounts between the United States and the individual States," was further postponed.

Mr. IZARD reported, from the committee appointed for that purpose, a bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers; which was read the first time, and ordered to pass to the second reading.

On motion, that it be

Resolved, That Congress will adjourn on Saturday, the 14th of April, instant;"

A motion was made that the consideration of this motion be postponed until to-morrow; which passed in the negative.

On motion, that a committee be appointed on the part of the Senate to confer with such committee as the House of Representatives may appoint on their part, on the day proper for Congress to close the present session; it passed in the negative.

On motion, it was agreed to amend the first motion on this subject. Whereupon,

Resolved, That Congress will adjourn on Tuesday, the 17th day of April, instant.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendment of the Senate to the bill, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes;" and that they have passed a bill, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to the said school during the late war;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to pass to the second reading.

The report of the committee appointed to consider the subject of Weights and Measures was read, as follows:

1. That it is their opinion, the standard for the Measures and Weights of the United States be an uniform cylindrical rod of iron, of such length as, in latitude 45° in the level of the ocean, and in a cellar of uniform natural temperature, shall perform its vibrations in small and equal arcs, in one second of mean time.

2. That the President of the United States be requested to have such a standard rod provided; that it be prepared with all the accuracy which the importance of the object merits, and circumstances admit; that this be done either by actual experiments under the parallel of 45° of latitude complete, or by actual experiments, rectified by due allowances, under any other parallel, where a superiority of means for accurate experiment may promise on the whole greater truth in the result.

3. That the expenses of the measures he shall adopt

for this purpose, not exceeding _____ dollars, be defrayed by the public.

4. That the standard rod, so to be provided, shall be divided into five equal parts, one of which, to be called a foot, shall be the unit of measures of length for the United States.

That the foot shall be divided into 10 inches, the inch into 10 lines, the line into 10 points; and that 10 feet make a decad, 10 decads a rood, 10 roods a furlong, and 10 furlongs a mile.

5. That measures of surface in the United States be made by squares of the measures of length; and that in the case of lands, the unit shall be a square, whereof every side shall be 100 feet, to be called a rood; that each rood be divided into tenths and hundredths; that 10 roods make a double acre; and 10 double acres a square furlong.

6. That the unit of measures of capacity in the United States be a cubic foot, to be called a bushel, that each bushel be divided into 10 pottles; each pottle into 10 demi pints; each demi pint into 10 metres; that 10 bushels be a quarter; and 10 quarters a last or double ton.

7. That the unit of weights of the United States be a cubic inch of rain water, to be called an ounce, and to be measured and weighed in a cellar of uniform natural temperature; that the ounce be divided into 10 double scruples; the double scruple into 10 carats; the carats into 10 minims or demi grains; the minims into 10 mites; that 10 ounces make a pound; 10 pounds a stone; 10 stones a quintal; 10 quintals a hoghead.

Ordered, That the consideration of this Report be postponed until the next session of Congress.

FRIDAY, April 6.

The bill sent from the House of Representatives, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war," was read the second time; and *Ordered*, that this bill pass to the third reading.

The bill supplementary to the act for establishment and support of light-houses, beacons, buoys, and public piers, was read the second time, and amended.

It was agreed, by unanimous consent, 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 supplementary to the act for the establishment of light-houses, beacons, buoys, and public piers."

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill sent from the Senate, entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress," with amendments, in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates," in which they desire the concurrence of the Senate.

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

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The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress." Whereupon,

Resolved, That they agree to the first amendment, and that they disagree to the other amendment, proposed as an additional section.

MONDAY, April 9.

The third reading of the bill sent from the House of Representatives, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war," was postponed until to-morrow.

The bill sent from the House of Representatives, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates," was read the second time.

Ordered, That this bill be referred to Messrs. RUTHERFORD, GUNN, and SHERMAN, to consider and report thereon.

A message was received from the House of Representatives, notifying the Senate that the bill, entitled "An act for an apportionment of Representatives among the several States according to the first enumeration," had been returned to that House, by the PRESIDENT, with the following objections:

"1st. The Constitution has proscribed that Representatives shall be apportioned among the several States according to their respective numbers; and there is no one proportion or divisor, which, applied to the respective numbers of the States, will yield the number and allotment of Representatives proposed by the bill. 2d. The Constitution has also provided, that the number of Representatives shall not exceed one for thirty thousand; which restriction is, by the context, and by fair and obvious construction, to be applied to the separate and respective numbers of the States; and the bill has allotted to eight of the States more than one for thirty thousand."

And that, upon a reconsideration of the bill, two-thirds of that House did not agree to pass the same.

The House of Representatives further notified the Senate, that they concur in the bill, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," with an amendment, to which they desire the concurrence of the Senate. Also, that the House of Representatives recede from their last amendment to the bill sent from the Senate, entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress." And, that the House of Representatives concur in the bill sent from the Senate, entitled "An act to erect a light-house on Montauk Point, in the State of New York."

The VICE PRESIDENT laid before the Senate the memorial of Joseph Ceracchi, stating the terms on which he would begin the execution of the National Monument, mentioned in his memorial

of October last; which was read, and ordered to lie on the table.

The amendment of the House of Representatives on the bill sent from the Senate, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," was read.

Resolved, That the Senate agree thereto.

TUESDAY, April 10.

Mr. KING, from the committee appointed to consider and report whether any, and what, alterations are necessary to be made in the acts establishing the Treasury and War Departments, reported a bill; which was read the first time, and ordered to pass to the second reading.

The memorial of Thomas Fielder was read, stating, that he had invented an apparatus for facilitating navigation, and, having been at considerable expense, praying the aid of Government to enable him to improve his plan.

Ordered, That this memorial lie on the table.

Ordered, That the bill, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war," be referred to Messrs. LANGDON, READ, and MONROE, to consider and report thereon.

A message from the House of Representatives, informed the Senate that the House of Representatives have passed the bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls," with amendments. Also, the bill sent from the Senate, entitled "An act for altering the times of holding the circuit courts in certain districts of the United States, and for other purposes," with amendments; in which they desire the concurrence of the Senate. And they have passed a bill, entitled "An act for apportioning Representatives among the several States according to the first enumeration;" and a bill, entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas imported after the third day of March, one thousand seven hundred and ninety-one;" to which bills they desire the concurrence of the Senate.

The bill sent from the House of Representatives, entitled "An act for apportioning Representatives among the several States according to the first enumeration," was read the first time.

On motion, it was agreed, by unanimous consent, that this bill be now read the second and third times.

Resolved, That this bill pass.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act concerning Consuls and Vice Consuls."

Resolved, That they concur in the said amendments.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act for altering the times for hold-

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ing the circuit courts in districts of the United States, and for other purposes;" and concurred in the said amendments.

The bill entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas imported after the third day of March, one thousand seven hundred and ninety-one," was read the first time, and, by unanimous consent, the second time.

Ordered, That this bill be referred to Messrs. KING, MORRIS, and LANGDON, to consider and report thereon.

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WEDNESDAY, April 11.

The bill, respecting alterations necessary to be made in the acts establishing the Treasury and War Departments, was read the second time.

Ordered, That the further consideration of this bill be postponed.

Mr. MORRIS presented the memorial of James Wilson and others, on behalf of the Illinois and Wabash land company, praying to be heard by counsel, on the report of the committee of the Senate to whom their petition of the 15th of December last was referred.

Ordered, That this memorial lie on the table.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war."

Mr. LANGDON reported, from the committee appointed on the bill, entitled "An act to compensate the Corporation of Trustees of the Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war."

Resolved, That the Senate concur with the House of Representatives in this bill.

The bill, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war," was read the first time, and ordered to pass to the second reading.

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THURSDAY, April 12.

The bill sent from the House of Representatives, entitled "An act to indemnify the estate of the late General Nathaniel Green, for a certain bond entered into by him during the late war," was referred to Messrs. IZARD, CABOT, STRONG, JOHNSTON, and ELLSWORTH, to consider and report thereon.

The petition of John Cleves Symmes, by Jonathan Dayton, his agent, was read, praying to have the same indulgencies extended to him and his associates, as are granted, or about to be granted, to the Ohio company, in respect to their future payments for lands purchased of the U. States.

Ordered, That this petition lie on the table.

The Senate proceeded in the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War

Departments; and, after progress, the further consideration thereof was postponed.

The petition of Charles Colvill and John Robertson was read, praying to be reimbursed certain sums advanced by their friends to redeem them from captivity at Algiers; also, that Congress would take into consideration the situation of Captain O'Brien and his crew; and of the crew of the schooner Maria, whereof Isaac Stephens was master, remaining in slavery.

Ordered, That this petition lie on the table.

Mr. RUTHERFURD, from the committee appointed to take into consideration the bill, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates," reported sundry amendments; which were read.

Ordered, That they lie on the table.

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FRIDAY, April 13.

The Senate resumed the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War Departments, and, after progress, the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to all the amendments of the Senate to the bill, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," except the two last, to which they disagree.

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

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

I have thought it proper to lay before you a communication of the 11th instant from the Minister Plenipotentiary of Great Britain, to the Secretary of State, relative to the commerce of the two countries, together with their explanatory correspondence, and the Secretary of State's letter to me on the subject.

G. WASHINGTON.

UNITED STATES, April 13, 1792.

The Message and papers therein referred to were read, and ordered to lie on the table.

The Senate took into consideration the amendments to the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."

On motion to recede from the amendments, it passed in the negative.

On motion, it was agreed that the further consideration thereof be postponed until to-morrow.

Mr. READ presented a deed executed by the Senators of the State of Delaware, "transferring to the United States the right of that State of and in the light-house of Cape Henlopen, and piers at Reeden island, with all necessary jurisdiction over the same."

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SATURDAY, April 14.

The Senate took into consideration the bill sent from the House of Representatives, entitled "An

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act authorizing the grant and conveyance of certain lands to the Ohio company of associates," and the amendments reported thereon by the committee; and, after debate, the further consideration thereof was postponed.

The Senate resumed the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War Departments; and, after debate, the further consideration thereof was postponed.

The Senate took into consideration their amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, on motion to recede therefrom, it passed in the negative.

Ordered, That the further consideration of this bill be postponed.

MONDAY, April 16.

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

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

I lay before you a copy of a Letter from the Judges of the Circuit Court of the United States, held for the New York district; and of their opinion and agreement respecting the "Act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

G. WASHINGTON.

UNITED STATES, April 16, 1792.

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

The Senate took into consideration their amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States."

On motion to insist thereon, it passed in the negative.

On motion, it was agreed that the further consideration of the amendments to this bill be postponed.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates;" and the report of the committee being read,

On the question to amend the bill as reported, it passed in the negative.

On the question to agree to the third section of the bill, as sent from the House of Representatives, to wit:

"*Sec. 3. And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent, as aforesaid, to grant and convey to the said Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Greene, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a further quantity of one hundred thousand acres of land: *Provided always, nevertheless*, That the

said grant of one hundred thousand acres shall be made on the express condition of becoming void, for such part thereof as the said company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty, and free of expense, in tracts of one hundred acres, to each male person, not less than eighteen years of age, being an actual settler at the time of such conveyance."

It passed in the affirmative by yeas and nays, as follows:

YEAS.—Messrs. Bradley, Cabot, Foster, Izard, Langdon, Lee, Morris, Robinson, Sherman, Stanton, and Wingate.—11.

NAYS.—Messrs. Burr, Carroll, Ellsworth, Few, Gunn, Hawkins, Henry, Johnston, Monroe, Read, and Rutherford.—11.

The Senate being equally divided, the VICE PRESIDENT determined the question in the affirmative.

It was agreed to expunge the fifth section, to wit:

"*Sec. 5. And be it further enacted*, That the President shall be, and he hereby is, authorized and empowered to grant and convey, as aforesaid, to the said company of associates, in the proportion of their respective rights and interests, the residue of the said one million five hundred thousand acres of land: *Provided*, The said company, or any of them, or of their agents, shall, within six years from the passing of this act, pay into the Treasury of the United States therefor, at the rate of twenty-five cents per acre, with the interest thereof: *Provided, nevertheless*, That bounty warrants for land may be received in payment for the whole or any part of the said tract which shall remain after deducting the reserved lots."

Ordered, That this bill pass to a third reading.

TUESDAY, April 17.

The VICE PRESIDENT requested and obtained leave of absence from the Senate, for the remainder of the session, on account of the ill state of his own health and that of his family.

The Senate proceeded in the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War Departments.

On motion to agree to the twelfth section, being amended as follows:

"*Sec. 12. And be it further enacted*, That, in addition to the compensations allowed to the Comptroller, Auditor, Treasurer, and Register of the Treasury, by the 'Act for establishing the salaries of the Executive officers of Government, their assistants and clerks,' and to the Attorney General, by 'the act for allowing certain compensations to Judges of the Supreme and other Courts, and to the Attorney General of the United States,' the said officers, respectively, shall be allowed the following yearly sums, viz: The Comptroller, four hundred dollars; the Auditor, four hundred dollars; the Treasurer, four hundred dollars; the Register, five hundred dollars; and the Attorney General, four hundred dollars."

It passed in the affirmative—yeas 20, nays 3, as follows:

YEAS.—Messrs. Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard,

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Johnston, Langdon, Lee, Monroe, Morris, Read, Sherman, Stanton, and Strong.

YEAS.—Messrs. Bradley, Robinson, and Wingate.

It was agreed, by unanimous consent, that this bill be now read the third time.

On motion, it was agreed to increase the salary of the Accountant of the Department of War, from one thousand to one thousand two hundred dollars.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act making alterations in the Treasury and War Departments."

The Senate proceeded in the third reading of the bill sent from the House of Representatives, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates."

On motion to amend the second section, so as that the President of the United States shall be authorized to grant and convey to the said Rufus Putnam and others, one other tract of one hundred and twenty-five thousand, in lieu of two hundred and fourteen thousand two hundred and eighty-five acres of land; it passed in the negative.

On motion to add the following as an additional section:

"*And be it further enacted,* That the terms herein before allowed to the Ohio company of associates, so far as the same are applicable to, and respect the price of, the lands to be granted in virtue of the first payment, and the admissibility of army bounty rights in discharge thereof, be, and they are hereby, extended to John Cleves Symmes, and his associates, the purchasers of a tract of land lying upon the Ohio, and between the Miami rivers: *Provided, always, and be it further enacted,* That, instead of a donation of one hundred thousand acres, as mentioned in the third section, not more than sixty-six thousand acres be granted to the said John Cleves Symmes, and his associates, for the like purposes, and under the like conditions, as are therein prescribed and required."

It passed in the negative—yeas 4, nays 16, as follows:

YEAS.—Messrs. Burr, Hawkins, Johnston, and Monroe.

NAYS.—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Henry, Langdon, Lee, Morris, Read, Robinson Sherman, Stanton, and Wingate.

Resolved, That this bill pass as amended, and that the Secretary desire the concurrence of the House of Representatives in the amendment.

WEDNESDAY, April 18.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides, and the Hon. RICHARD HENRY LEE was duly elected.

Ordered, That the Secretary wait on the President of the United States, and lay before him an attested copy of this proceeding, and that he notify the House of Representatives of the election of a President *pro tempore*.

The petition of a number of the inhabitants of Ontario and Tioga counties, in the State of New York, was read, praying that Congress would take into consideration their present critical and dangerous situation from the inroads of the savages.

Ordered, That this petition be referred to the Secretary of War.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendment of the Senate to the bill, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates."

Ordered, That the consideration of the amendments of the Senate, disagreed to by the House of Representatives, on the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," be further postponed.

Ordered, That the Message from the President of the United States, of the 13th of April, instant, respecting the communication from the Minister Plenipotentiary of Great Britain, to the Secretary of State, together with the papers therein referred to, be put on file.

Ordered, That the Message from the President of the United States, of the 16th of April, instant, referring to a communication from the judges of the circuit courts, respecting the "act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," together with the papers therein referred to, be put on file.

The committee appointed to take into consideration the bill, entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas imported after the 3d day of March, 1791," reported that it would be inexpedient to pass the said bill; and, on the question, Shall this bill be read the third time? it passed in the negative.

On motion by Mr. FEW, seconded by Mr. GUNN, "that when the Senate are sitting in their Legislative capacity, the members of the House of Representatives may be admitted to attend the debates, and each member of the Senate may also admit a number not exceeding two persons; provided, the operation of this resolution be suspended until the Senate chamber is sufficiently enlarged;"

It passed in the negative—yeas 6, nays 16, as follows:

YEAS.—Messrs. Bradley, Burr, Few, Gunn, Hawkins, and Monroe.

NAYS.—Messrs. Cabot, Carroll, Dickinson, Ellsworth, Foster, Henry, Izard, Johnston, Langdon, Morris, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

THURSDAY, April 19.

Resolved, That the President *pro tempore* of the Senate, as a member, retain his right to vote upon all questions.

Mr. MORRIS reported from the committee appointed for the purpose, a bill to compensate the services of the late Colonel George Gibson; which was read the first time, and ordered to pass to the second reading.

Mr. IZARD, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act to indemnify the es-

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tate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war," reported amendments, which were read.

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

FRIDAY, April 20.

The Senate proceeded to the consideration of the report of the committee on the bill sent from the House of Representatives, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war."

On motion to amend the first paragraph of the bill, conformably to the report of the committee, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall and will indemnify the estate of the late General Green, for the sum of eight thousand six hundred and eighty-eight pounds six shillings, sterling money, (being the amount due on the first of May, 1786, on a certain bond executed to Messrs. Mewcoomen and Collet, by the said General Green, as surety for John Banks & Co.,) and the interest thereon; excepting therefrom a certain conditional bond, given in June, 1786, for about one thousand six hundred pounds sterling, (the same, more or less,) being part of the aforesaid sum of eight thousand six hundred and eighty-eight pounds six shillings, which was to be paid only in case the said General Green should recover from said Banks, or Banks & Co., a sum sufficient for his indemnity:"

It passed in the affirmative—yeas 17, nays 2, as follows:

YEAS.—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, Langdon, Morris, Read, Sherman, and Stanton.

NAYS.—Messrs. Monroe and Wingate.

On motion, it was agreed to amend the first proviso, in conformity to the report of the committee, as follows:

"Provided, It shall appear, upon due investigation by the officers of the Treasury, that the said General Green, in his lifetime, or his executors, since his decease, have not been already indemnified or compensated for the said sum of eight thousand six hundred and eighty-eight pounds six shillings, except as aforesaid."

Ordered, That this bill pass to a third reading. The bill to compensate the services of the late Colonel George Gibson was read the second time.

Ordered, That this bill pass to a third reading.

MONDAY, April 23.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," in which they desire the concurrence of the Senate.

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

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

I lay before you the copy of a Letter which I have received from the Judges of the Circuit Court of the United States, held for the Pennsylvania district, relatively to the "Act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

G. WASHINGTON.

UNITED STATES, April 21, 1792.

The Message and papers were read, and ordered to be put on file.

The bill sent from the House of Representatives, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," was read the first time, and, by unanimous consent, the bill was read the second time.

The bill sent from the House of Representatives, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war," was read the third time.

Resolved, That this bill pass as amended.

The petition of Moses Young was presented and read, praying allowance of depreciation on his salary as Secretary to his Excellency Henry Laurens, while President of Congress; and also on his salary as Secretary to Mr. Laurens, during his embassy to the United Netherlands.

Ordered, That the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and,

Resolved, That the Senate insist thereon; desire a conference with the House of Representatives on the disagreeing votes of the two Houses; and that Messrs. ELLSWORTH, GUNN, and KING, be managers at the conference on the part of the Senate.

TUESDAY, April 24.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war."

WEDNESDAY, April 25.

The Senate proceeded in the second reading of the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned;" and, after agreeing to sundry amendments,

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate, that the House have "*Resolved*, That the President of the Senate and the

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Speaker of the House of Representatives do adjourn their respective Houses on the fifth day of May next, to close the present sessions, and to meet again on such day as may by law be directed; in which resolution they desire the concurrence of the Senate. The House of Representatives have also passed a bill, entitled "An act to alter the time for the next annual meeting of Congress;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and by unanimous consent, it was read the second time; and, after having agreed to an amendment,

Ordered, That this bill pass to a third reading.

The resolution of the House of Representatives, that the two Houses of Congress be adjourned on the fifth day of May next was read.

Resolved, That the Senate concur therein.

THURSDAY, April 26.

Agreeably to the order of the day, the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," was read the third time.

Mr. BVAR presented the memorial of a number of the merchants of New York against an increase of duties on articles imported; which memorial was read.

Ordered, That it lie on the table.

The consideration of the bill for raising a further sum of money for the protection of the frontiers, was resumed.

On motion to amend the first section as follows:

"That, from and after the last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease, until the last day of June, one thousand seven hundred and ninety-four, and in lieu thereof, there shall be thenceforth, for the space of two years from the said last day of June next, laid, levied, and collected, upon the said articles, at their said importation, the several and respective rates or duties following:"

It passed in the negative.

On motion to amend the first section, so as to limit the duration of the aforesaid duties to five years, instead of two, as proposed in the above amendment, it passed in the negative.

On motion, it was agreed to insert an amendment in the sixth section, so as that the clause stand thus:

"And that, in addition thereto, there shall be allowed and paid upon provisions salted within the United States, (except upon dried fish,) upon the exportation thereof to any foreign port or place, as follows, to wit: on pickled fish, at the rate of eight cents per barrel, and other provisions at the rate of five cents per barrel."

It was agreed to expunge these words from the last line of the amendment adopted in the second reading of the bill, as part of the 18th section, to wit: "under the laws of any State, or of the United States."

On motion to adopt the following provision, agreed to in the second reading of the bill as the eighteenth section, to wit:

"And be it further enacted and declared, That if the principal in any bond, which shall have been given to the United States for duties on goods, wares, and merchandise imported, and on the tonnage of ships or vessels, or either of them, shall be insolvent, or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors or administrators, shall be insufficient for the payment of his or her debts, and if in either of the said cases any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the moneys thereupon due, such surety, his or her executors or administrators, shall have and enjoy the like advantage, priority, and preference, for the recovery and receipt of the said moneys out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States by the forty-fourth section of the act, entitled 'An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise imported into the U. States, and on the tonnage of ships or vessels,' and shall and may bring and maintain a suit upon the said bond, in law or equity, in his, her, or their, own name or names, for the recovery of the moneys which shall have been paid thereupon.

"And it is further declared, That the cases of insolvency in the said forty-fourth section mentioned, shall be deemed to extend as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed, or absent debtor shall have been attached by process of law, as to cases, in which an act of legal bankruptcy shall have been committed."

It passed in the affirmative.

Ordered, That the further consideration of this bill be postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House have agreed to the conference desired by the Senate on the bill, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," and have appointed managers on their part; that they have passed a bill, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions," was read the first time, and was ordered to pass to the second reading.

The bill, entitled "An act to alter the time for the next annual meeting of Congress," was read the third time.

On motion to reconsider the amendment agreed to in the second reading, and to concur with the House of Representatives in the bill:

It was agreed that the further consideration thereof be postponed until to-morrow.

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FRIDAY, April 27.

The Senate proceeded in the third reading of the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned;" and

On motion, it was agreed to amend the first clause of the amendment agreed to yesterday, as the eighteenth section, so that the clause be read as follows:

"And be it enacted and declared, That, if the principal in any bond, which shall be given to the United States for duties on goods, wares, and merchandise imported shall be insolvent."

Resolved, That this bill pass as amended.

The bill, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," was read the second time and passed to the third reading.

Resolved, That the Senate recede from their amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States."

It was agreed, by unanimous consent, that the bill, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," be now read the third time.

On motion by Mr. DICKINSON, to amend the bill, by inserting these words, "except that no militia man shall be subject to corporal punishment;" it passed in the negative.

Resolved, That the Senate concur in this bill.

Ordered, That the further consideration of the bill, entitled "An act to alter the time for the next annual meeting of Congress," be postponed until Tuesday next.

SATURDAY, April 28.

A message from the House of Representatives informed the Senate, that the House concur in the amendments of the Senate to the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," with an amendment; to which they desire the concurrence of the Senate; and that the House of Representatives have passed the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," with amendments; to which they desire the concurrence of the Senate; and they have also passed the bill, entitled "An act for reducing the rates of postage on newspapers;" and the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates;" to which bills respectively, they desire the concurrence of the Senate.

The petition of Samuel B. Turner, late an ensign of the Maryland battalion of levies, was presented and read, praying to be reimbursed the

amount of his ransom from captivity by the savages, together with the incidental expenses.

Ordered, That this petition be referred to the Secretary of War, to consider and report thereon to the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to an amendment of the Senate on the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned;" and

Resolved, That the Senate concur in the said amendment.

The bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," was read the first time, and ordered to pass to the second reading.

The bill, entitled "An act for reducing the rates of postage on newspapers," was read the first time, and, on the question, Shall this bill be read the second time? it passed in the negative.

The amendments of the House of Representatives to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," were read.

Ordered, That they be referred to Messrs. ELLSWORTH, BRADLEY, MONROE, BURR, and HENRY, to consider and report thereon; and that the amendments be printed.

MONDAY, April 30.

Ordered, That the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," be referred to Messrs. READ, KING, and CARROLL, to consider and report thereon to the Senate.

Ordered, That Messrs. MORRIS, KING, IZARD, CABOT, and HENRY, be a committee to inquire into the value of foreign coins in circulation within the U. States; and, if they should think it expedient, to report a bill for ascertaining the rates at which they ought to pass, in conformity to the principles of an act passed the present session, entitled "An act establishing a Mint, and regulating the coins of the United States;" and, also, to report such other provisions as they shall think necessary for carrying into effect the intentions of the said act.

TUESDAY, May 1.

The PRESIDENT laid before the Senate the Report of the Secretary of War, on the petition of Samuel B. Turner; which was read, and ordered to lie on the table.

The third reading of the bill, entitled "An act to alter the time for the next annual meeting of Congress," was resumed.

On motion, it was agreed to strike out of the bill "the third Monday," inserted in the second reading, and to substitute "the first Monday" in November.

Resolved, That the Senate concur in this bill.

Mr. ELLSWORTH, from the committee appointed to take into consideration the amendments of the

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House of Representatives to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," made report; which, being read, and in part agreed to,

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

A message from the House of Representatives informed the Senate, that the House have "*Resolved*, That a joint committee of both Houses be directed to wait on the President of the United States, to request that he would recommend to the people of the United States a day of public humiliation and prayer;" and, having appointed a committee on their part, desire concurrence, and the appointment of a joint committee on the part of the Senate.

A message from the House of Representatives informed the Senate, that the House have passed the bill, entitled "An act for the relief of persons imprisoned for debt," with amendments; and, also, "An act to authorize the remission of certain duties:" in which they desire the concurrence of the Senate.

On motion, that a committee be appointed to join with such committee as the House of Representatives shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress; it was agreed that the consideration of this motion be postponed until to-morrow.

The bill, entitled "An act to authorize the remission of certain duties," was read the first time; and, by unanimous consent, the bill was read the second time.

Ordered, That this bill be referred to Messrs. CABOT, KING, and BURR, to consider and report thereon.

WEDNESDAY, May 2.

The Senate resumed the consideration of the motion made yesterday, "That a committee be appointed to join with such committee as the House of Representatives shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress."

On motion to postpone the consideration thereof, it passed in the negative.

Resolved, That Messrs. HAWKINS and BURR be a joint committee on the part of the Senate, with such committee as the House of Representatives shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act concerning the duties on spirits distilled within the United States;" in which they desire the concurrence of the Senate.

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

Ordered, That this bill be referred to Messrs. HAWKINS, CABOT, and ELLSWORTH, to consider and report thereon

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

Resolved, That they agree to the first section, and the additional sections, except the second and fifth additional sections, with an amendment to the fourth additional section, so that it shall read as follows:

"*And be it enacted*, That it shall be the duty of the attorneys in the several districts to correspond with the Attorney General of the United States, on any matter relative to judicial business which shall arise within their respective districts, and upon which he shall request information from them."

And they disagree to all the other amendments on the said bill.

Mr. READ, from the committee to whom was referred the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," reported amendments; and it was agreed that the bill be amended accordingly: and, by unanimous consent, the bill was now read the third time and passed.

The Senate proceeded to the consideration of the amendments of the House of Representatives to the bill, entitled "An act for the relief of persons imprisoned for debt."

Resolved, That they disagree to the first and second, and agree to the last amendment to the said bill.

Mr. KING gave notice that he intended, to-morrow, to move for leave to bring in a bill to continue an act, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers."

THURSDAY, May 3.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," to which they desire the concurrence of the Senate; that they recede from their amendments disagreed to by the Senate to the bill, entitled "An act for the relief of persons imprisoned for debt;" that they agree to the amendments of the Senate to the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates."

On motion, that a person be chosen to supply the vacancy occasioned in the Committee on Enrolled Bills, by the absence of Mr. BRADLEY, the Senate proceeded to the choice of Mr. WINGATE for that purpose.

The bill sent from the House of Representatives, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," was read

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the first time; and, by unanimous consent, it was read the second time.

Ordered, That this bill be referred to Messrs. MORRIS, SHEERMAN, and MONROE, to consider and report thereon.

Agreeably to notice given yesterday, Mr. KING obtained leave to bring in a bill to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers; which was read the first time, and, by unanimous consent, was read the second time.

Ordered, That this bill be referred to Messrs. BASSETT, FOSTER, and JOHNSTON, to consider and report thereon.

Mr. MORRIS, from the committee appointed, reported "A bill for regulating foreign coins, and for other purposes;" which was read the first time, and, by unanimous consent, was read the second time.

Mr. CABOT reported, from the committee to whom was referred the bill, entitled "An act to authorize the remission of certain duties," that it was not expedient that the bill should pass.

Resolved, That this bill do not pass to the third reading.

Mr. BASSETT, from the committee to whom was referred "The bill to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers," reported amendments, which were adopted; and, by unanimous consent, the bill was read the third time, and passed.

A message from the House of Representatives informed the Senate, that the House have considered their amendments disagreed to by the Senate, and the amendments of the Senate to their amendment on the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and agree to some of the said amendments as amended, recede from some, and insist on others, of the said amendments, and desire a conference on the subject-matter of the amendments insisted on, and have appointed managers at the said conference on their part.

The Senate proceeded to consider the amendments insisted on by the House of Representatives to the bill last mentioned; and,

Resolved, That the Senate insist on their disagreement to the said amendments; that they agree to the proposed conference, and that Messrs. ELLSWORTH, KING, and HENRY, be managers thereof on the part of the Senate.

FRIDAY, May 4.

Mr. HAWKINS, from the committee to whom was referred the bill, entitled "An act concerning the duties on spirits distilled within the United States," reported amendments, which were read; and it was agreed that the bill be amended accordingly.

It was agreed, by unanimous consent, that this bill have the third reading at this 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 continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids," with amendments; to which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill above mentioned; and,

Resolved, That they concur therein.

Mr. MORRIS, from the committee to whom was referred the bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," reported amendments, which were read; and some of which being adopted, it was agreed to amend the bill accordingly.

It was agreed, by unanimous consent, that the bill should have the third reading at this time; and it was read, and passed, accordingly.

The second reading of the bill for regulating foreign coins, and for other purposes, was resumed; and, being amended, was read a third time, and passed.

A message from the House of Representatives informed the Senate, that the House have resolved, that the resolution of the 24th of last month, authorizing the President of the Senate and Speaker of the House of Representatives to close the present session by adjourning their respective Houses on the 5th day of May, be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the 10th of May, instant, to meet again on such day as shall be by law appointed; in which they desire the concurrence of the Senate.

The Senate proceeded to consider the resolution last mentioned; and,

Resolved, That they concur therein, with an amendment, to wit: strike out these words, "Thursday the tenth," and insert "Tuesday the eighth."

SATURDAY, May 5.

A Message from the House of Representatives, informed the Senate, that the House agree to the amendment of the Senate to the resolution of the 4th, authorizing the President of the Senate, and the Speaker of the House of Representatives, to close the present session by adjourning their respective Houses on the 8th inst. The House of Representatives also agree to the amendments of the Senate to the bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage." And they agree to the amendments of the Senate to the bill, entitled "An act concerning the duties on spirits distilled within the United States." And they have passed a bill, entitled "An act authorizing the settlement of the demands of Anthony Walton White against the United States;" in which they desire the concurrence of the Senate.

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Proceedings.

[SENATE.]

The bill last mentioned was read the first time, as also the petition of the said Anthony Walton White, on which the bill originated, with sundry other papers referring thereto.

Resolved, That the consideration of this bill be postponed until the next session of Congress.

Resolved, That Messrs. HAWKINS and BURR be a committee to wait on the President of the United States, and notify him of the intended recess of Congress.

It was agreed to reconsider the above resolution, and substitute the following:

Resolved, That Messrs. HAWKINS and BURR be a joint committee, on the part of the Senate, with such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and notify him of the intended recess of Congress on Tuesday next.

On motion, that the bills for regulating processes in the Judicial Courts of the United States; for providing for the public debt; for alterations in the Treasury and War Departments; for ascertaining the rates of foreign coins; and, for further appropriations; be passed before any other business is introduced: it passed in the negative.

MONDAY, May 7.

A message from the House of Representatives, informed the Senate that the House concur in the resolution of the Senate, appointing a joint committee to wait on the President of the United States, and inform him of the proposed recess of Congress; and have appointed a joint committee on their part. And that they have passed a bill, entitled "An act supplementary to the act making provision for the debt of the United States;" in which they desire the concurrence of the Senate.

The bill, entitled "An act supplementary to the act making provision for the debt of the United States," was read the first time; and, by unanimous consent, it was read the second time.

It was also agreed, by unanimous consent, that this bill be now read the third time.

Resolved, That the Senate concur therein.

The bill, entitled "An act for making compensations to the Commissioners of Loans for extraordinary expenses," was read the first time; and, by unanimous consent, it was read the second and third time.

Resolved, That the Senate concur therein.

Mr. HAWKINS reported, from the joint committee, that they had waited on the President of the United States, and informed him of the proposed recess of Congress.

The memorial of Thomas Fielder, referring to his former petitions of 30th March, and 10th of April last, respecting his inventions for facilitating navigation, was presented and read.

Ordered, That it lie on the table.

A message from the House of Representatives, informed the Senate, that the House have passed a bill, entitled "An act concerning the claim of John Brown Cutting against the United States;" in which they desire the concurrence of the Senate.

2d CON.—6

The bill, was read the first time, and passed to a second reading.

Ordered, That the Secretary of the Treasury do lay before the Senate, at the next session of Congress, a statement of the salaries, fees, and emoluments, for one year, ending the first day of October next, to be stated quarterly, of every person holding any civil office or employment under the United States, (except the judges,) together with the actual disbursements and expenses in the discharge of their respective offices and employments for the same period; and that he do report the name of every person who shall neglect or refuse to give satisfactory information touching his office or employment, or the emoluments or disbursements thereof.

MONDAY EVENING, May 7.

A message from the House of Representatives informed the Senate, that the House have passed the bill, entitled "An act making alterations in the Treasury and War Departments," with amendments; to which they desire the concurrence of the Senate. They recede from some and adhere to other amendments on the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

The amendments to the first mentioned bill were read; and

The Senate proceeded to consider the resolution of the House of Representatives, in which they recede from some and adhere to other amendments to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

And, on motion to recede from the disagreement to the second amendment of the second section, which is, to strike out these words, "and be at liberty to pursue the same until a tender of the debt and cost, in gold or silver, shall be made:"

It passed in the affirmative.

On motion to adhere to the disagreement to the amendment last recited, it passed in the negative—yeas 9, nays 10, as follows:

YEAS.—Messrs. Cabot, Carroll, Dickinson, Ellsworth, Foster, Izard, King, Morris, and Read.

NAYS.—Messrs. Few, Hawkins, Henry, Johnston, Lee, Monroe, Robinson, Sherman, Stanton, and Wingate.

It was agreed to recede from the other amendment adhered to by the House of Representatives on the said bill.

Ordered, That the Secretary acquaint the House of Representatives with the proceedings of the Senate on the bill last mentioned.

A message from the House of Representatives informed the Senate, that they concur in the bill, entitled "An act regulating foreign coins, and for other purposes," with amendments; to which they desire the concurrence of the Senate. They agree to the amendment to their amendment on the bill,

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entitled "An act making alterations in the Treasury and War Departments."

The Senate proceeded to the consideration of the amendments to the bill first mentioned; and, resolved, that they concur therein.

TUESDAY, May 8.

A message from the House of Representatives informed the Senate, that the House of Representatives concur in the bill, entitled "An act to compensate the services of the late Colonel George Gibson." They have passed a bill, entitled "An act making certain appropriations therein specified;" in which they desire the concurrence of the Senate.

The bill, entitled "An act making certain appropriations therein specified," was read the first time; and, by unanimous consent, it was read the second time.

Ordered, That the bill be referred to Messrs. MORRIS, CABOT, and ELLSWORTH, to consider and report thereon.

The bill, entitled "An act concerning the claim of John Brown Cutting against the United States," was read the third time.

Resolved, That the Senate concur in this bill.

A message from the House of Representatives informed the Senate, that the House have passed a resolution authorizing the Secretary of the Treasury to furnish the several collectors of the revenue within the United States with certain printed clearances of a particular form; in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the resolution, as follows:

Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be provided for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods which have been found to answer for obtaining fresh from salt water, and of constructing extempore stills of such implements as are generally on board of every vessel, with a recommendation, in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette on their return

to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice."

Resolved, That the Senate concur therein.

Mr. MORRIS, from the committee to whom was referred the bill, entitled "An act making certain appropriations therein specified," reported an amendment; which was read and agreed to.

Ordered, That this bill pass to the third reading.

Resolved, That this bill pass as amended.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendment of the Senate to the bill, entitled "An act making certain appropriations therein specified;" and that they have passed a bill, entitled "An act respecting the government of the territories of the United States northwest and south of the river Ohio;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and, by unanimous consent, the bill was read the second and third time.

Resolved, That the Senate concur therein.

TUESDAY EVENING, May 8.

On motion, that a person be chosen to supply the vacancy occasioned in the Committee on Enrolled Bills, by the absence of Mr. WINGATE, the Senate proceeded to the choice of Mr. SHERMAN for that purpose.

After receiving several reports of enrolled bills and acting on other unfinished business,

Ordered, That the Secretary inform the House of Representatives, that the Senate, having completed the Legislative business before them, are about to adjourn.

A message from the House of Representatives informed the Senate that the House of Representatives, having completed the business before them, are about to adjourn.

In conformity to the resolution of the 4th instant, the President *pro tempore* adjourned the Senate to the first Monday in November next, being the time appointed by law for the next annual meeting of Congress.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

AT THE FIRST SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, OCTOBER 24, 1791.

MONDAY, October 24, 1791.

This being the day appointed by law for the meeting of the present Congress, the following members appeared, produced their credentials, and took their seats:

From New Hampshire, NICHOLAS GILMAN, SAMUEL LIVERMORE, and JEREMIAH SMITH.

From Massachusetts, FISHER AMES, SHEARJASHUB BOURNE, ELERIDGE GERRY, BENJAMIN GOODHUB, GEORGE THATCHER, and ARTEMAS WARD.

From Rhode Island, BENJAMIN BOURNE.

From Connecticut, JAMES HILLHOUSE, JONATHAN STURGES, JONATHAN TRUMBULL, JEREMIAH WADSWORTH, and AMASA LEARNED.

From New York, JAMES GORDON, JOHN LAURANCE, PETER SYLVESTER, and THOMAS TREDWELL.

From New Jersey, ELIAS BOUDINOT.

From Pennsylvania, THOMAS FITZSIMONS, DANIEL HEISTER, and FREDERICK AUGUSTUS MUHLENBERG.

From Delaware, JOHN VINING.

From Maryland, JOSHUA SENEY, and SAMUEL STERRETT.

From Virginia, JOHN BROWN, WILLIAM B. GILES, SAMUEL GRIFFIN, JAMES MADISON, ANDREW MOORE, and ALEXANDER WHITE.

From North Carolina, JOHN STEELE, and HUGH WILLIAMSON.

From South Carolina, DANIEL HUGER, WILLIAM SMITH, and THOMAS TUDOR TUCKER.

From Georgia, FRANCIS WILLIS.

A quorum of the members being present, the House proceeded to ballot for a Speaker, when it appeared that JONATHAN TRUMBULL, from Connecticut, was elected.

On being conducted to the chair, Mr. TRUMBULL addressed the House as follows:

GENTLEMEN: I find myself unable to express to you the full sense I have of the distinguished honor you have done me in the choice of your Speaker.

The diffidence I feel in my abilities to discharge, with propriety, the duties of the Chair, is almost insuperable in my own mind. But, encouraged by the known candor of this honorable body, and depending, as I think I may confidently do, on the kind assistance of each individual in it, I shall enter on its duties, with full assurances to you, gentlemen, that I shall endeavor to conduct myself with that impartiality, integrity, and

assiduity, which become the conspicuous station in which you have been pleased to place me.

The House then proceeded to ballot for a Clerk, when there appeared an unanimous vote for JOHN BECKLEY.

The oath to support the Constitution was then administered to the members present, and the oath of office to the Speaker and Clerk.

Ordered, That the Speaker appoint committees until the House shall otherwise determine.

A message was received from the Senate, informing the House that a quorum of that body is assembled and ready to proceed to business; and that the Senate have informed the President of the United States that they are ready to receive any communications he may be pleased to make to them.

Resolved, That Mr. SMITH, of South Carolina, Mr. LAURANCE, and Mr. WHITE, be a committee on the part of this House, to act jointly with the committee from the Senate, to wait on the President.

Ordered, That a committee be appointed to prepare and report Standing Rules and Orders of proceeding for the House. Messrs. MUHLENBERG, TUCKER, WILLIAMSON, AMES, and SMITH, of New Hampshire, were named.

JOSEPH WHEATON was appointed Sergeant-at-Arms; and GIFFORD DALLEY, Doorkeeper, and THOMAS CLAXTON, assistant Doorkeeper.

Resolved, That two Chaplains, of different denominations, be appointed to Congress for the present session, to interchange weekly.

Mr. SMITH, from the joint committee appointed to wait on the President of the United States, reported that the President would make a communication to both Houses to-morrow at twelve o'clock, in the Senate Chamber.

A message from the Senate announced the agreement of that body to the resolution of this House for the appointment of two Chaplains, and had elected the Right Reverend Bishop WHITE, on their part.

TUESDAY, October 25.

The following members appeared, presented their credentials, and took their seats: ABRAHAM CLARK, JONATHAN DAYTON, and AARON KITCHELL, from New Jersey; and ISRAEL JACOBS, from Pennsylvania.

H. OF R.]

The President's Speech.

[OCTOBER, 1791.]

The House proceeded to ballot for a Chaplain, when a majority of the votes were found in favor of the Rev. Mr. BLAIR.

A message being received from the Senate, stating that they were ready to receive the Communication from the President of the United States, the Speaker, attended by the members of the House, withdrew to the Senate Chamber for the purpose of receiving the same.

On the return of the members, the Speaker laid before the House a copy of the Speech delivered by the President, (which will be found in the proceedings of the Senate, *ante*, page 11.)

The Speech was committed to a Committee of the Whole to-morrow.

WEDNESDAY, October 26.

The following members appeared, presented their credentials, and took their seats: THEODORE SEDGWICK, from Massachusetts; ABRAHAM VENABLE, from Virginia; NATHANIEL MACON, from North Carolina.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his accounts of the receipts and expenditures of the public moneys, from October 1, 1790, to the 30th of June, 1791; which was read, and ordered to lie on the table.

Resolved, That the Rules and Orders of proceeding established by the last House of Representatives, shall be the Rules and Orders of proceeding to be observed in this body, until a revision or alteration of the same shall take place.

The President of the United States transmitted to the House, by message, copies of the following Acts, which had been transmitted to him during the recess, viz: "An act passed by the Legislature of New Hampshire, for ceding to the United States the fort and light-house belonging to said State;" "An act of the Legislature of Pennsylvania, ratifying, on behalf of said State, the first article of amendment to the Constitution of the United States, as proposed by Congress;" and "An act of the Legislature of North Carolina, granting the use of the jails within that State to the United States:" which were ordered to lie on the table.

A petition of James Rumsey, by Joseph Barnes, his attorney in fact, was presented to the House and read, praying that the act entitled "An act to promote the progress of useful arts," may be amended, and rendered more effectual for securing to original inventors, property in their respective discoveries."

Ordered, That the petition lie on the table.

PRESIDENT'S SPEECH.

The House then went into Committee of the Whole, on the President's Speech, Mr. MUHLENBERG in the chair.

The Speech being read, Mr. VINING moved a resolution, of which the following is the purport:

"*Resolved*, That it is the opinion of this committee that an Address should be presented to the President of the United States by the House of Representatives, in answer to his Speech, to congratulate him on the prosperous situation of the United States, expressive of the

approbation of the House of the wise and prudent measures he has pursued during their recess, in the execution of the duties committed to his charge; promising speedy attention to the important and momentous objects recommended to their consideration, and expressing their approbation of the humane and effectual steps taken, under his direction, for the defence of the western frontiers."

This resolution was objected to by Messrs. LAURANCE, SEDGWICK, SMITH of South Carolina, and LIVERMORE, upon the principle, that it expressed the sense of the House upon points which required further information and investigation before the House could, with propriety, determine. It was difficult to say, before proper documents were laid before the House, whether the measures adopted for the defence of the western frontiers were the most prudent that could be adopted. It was impossible positively to assert, that the President, in the execution of the duties assigned him in carrying into effect the excise act, had done all for the best. Every member that spoke agreed in expressing his individual opinion, that no doubt the President had acted with his wonted prudence and wisdom in the execution of the trusts reposed in him; but also agreed that it was improper, indeed, it was no compliment paid to the President, to approve, before a formal examination.

In answer to these objections it was observed, that so far as circumstances had been made known to the members, relative to the steps taken by the President during the recess of the Federal Legislature, so far they claimed the approbation of the House; and that the opinion of the House was only meant to be given as far as they were informed. It was urged, that the answer of the House should be a candid expression of their feelings; feelings which the prosperous situation of the country undoubtedly called forth, and which the issue of the measures adopted could not fail to excite.

Several modifications were proposed to the resolution, which was finally agreed to, as follows:

"*Resolved*, That it is the opinion of this Committee that a respectful Address ought to be presented by the House of Representatives to the President of the United States, in answer to his Speech to both Houses of Congress at the commencement of this session, containing assurances that this House will take into consideration the various and important matters recommended to their attention."

Mr. MADISON, Mr. LAURANCE, and Mr. SMITH, of South Carolina, were appointed a committee to prepare an Address, pursuant to the resolution.

CONTESTED ELECTION.

A resolution which had been laid on the table, contemplating the appointment of a Committee of Contested Elections was taken up.

Mr. LIVERMORE was opposed to such an appointment. The Constitution had fixed the mode of judging contested elections, at least to determine, so far, that the House should be the judges of contested elections of their own members. He was of opinion that the forms to be observed in the trial should not be fixed before a case of contested election occurred. He totally disapproved of the

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Address to the President.

[H. OF R.]

idea of delegating to a committee this power of judging, expressly given to them by the Constitution. Such a transfer of power, he conceived, would be as unconstitutional as to delegate a Legislative authority. In the British Parliament, it was true, a committee was made the judge of contested elections; but there was no higher authority there, he observed, to prevent them from delegating this power; when here, the people of the United States had clearly spoken in their Constitution, and determined the judges of the elections.

Mr. VINING stated, that his object in wishing the resolution adopted, was to procure expedition, save expense, and secure fairness of decision in determining contested elections. He hoped the Constitution would be no obstacle to the attainment of these desiderata. Perhaps it might be found necessary to leave to the House a final vote, after the work of the committee had been laid before them.

Mr. WHITE clearly saw great inconvenience in permitting cases of contested elections to come directly before the House. The delays and consequent expense of examining witnesses would be very great. He was of opinion that a committee appointed for that purpose should examine the evidences brought forward, arrange them, and lay them in order before the House for their information; but then he insisted on the necessity of letting the determination depend upon a vote of the House.

Before any question was taken on the resolution, it was

Ordered, That a standing Committee of Elections be appointed.

And a committee was appointed, of Mr. LIVERMORE, Mr. BOUDINOT, Mr. GILES, Mr. GERRY, Mr. BOURNE, of Rhode Island, Mr. HILLHOUSE, and Mr. STEELE.

THURSDAY, October 27.

Mr. MADISON, from the committee appointed, reported an Address to the President of the United States, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the whole House immediately.

ADDRESS TO THE PRESIDENT.

The House accordingly resolved itself into a Committee of the Whole House on the said Address; and, after some time spent therein, Mr. MUHLENBERG reported that the committee had had the said Address under consideration, and made no amendment thereto. Whereupon, it was

Resolved, unanimously, That this House doth agree to the said Address, in the words following:

SIR: In receiving your Address, at the opening of the present session, the House of Representatives have taken an ample share in the feelings inspired by the actual prosperity and flattering prospects of our country; and whilst, with becoming gratitude to Heaven, we ascribe this happiness to the true source from which it flows, we behold with an animating pleasure the degree in which the Constitution and Laws of the United States have been instrumental in dispensing it.

It yields us particular satisfaction to learn the success with which the different important measures of the Government have proceeded; as well those specially provided for at the last session, as those of preceding date. The safety of our Western frontier, in which the lives and repose of so many of our fellow-citizens are involved, being peculiarly interesting, your communications on that subject are proportionally grateful to us. The gallantry and good conduct of the militia, whose services were called for, is an honorable confirmation of the efficacy of that precious resource of a free State. And we anxiously wish that the consequences of their successful enterprises, and of the other proceedings to which you have referred, may leave the United States free to pursue the most benevolent policy towards the unhappy and deluded race of people in our neighborhood.

The amount of the population of the United States, determined by the returns of the census, is a source of the most pleasing reflections, whether it be viewed in relation to our national safety and respectability, or as a proof of that felicity in the situation of our country, which favors so unexampled a rapidity in its growth. Nor ought any to be insensible to the additional motive suggested by this important fact to perpetuate the free Government established with a wise administration of it, to a portion of the earth which promises such an increase of the number which is to enjoy those blessings within the limits of the United States.

We shall proceed with all the respect due to your patriotic recommendations, and with a deep sense of the trust committed to us by our fellow-citizens, to take into consideration the various and important matters falling within the present session; and, in discussing and deciding each, we shall feel every disposition, whilst we are pursuing the public welfare, which must be the supreme object with all our constituents, to accommodate, as far as possible, the means of attaining it to the sentiments and wishes of every part of them.

Resolved, That the Speaker, attended by the House, do present the said Address; and that Mr. MADISON, Mr. LAURANCE, and Mr. SMITH, of South Carolina, be a committee to wait on the President to know when and where it will be convenient for him to receive the same.

A Message, in writing, was received from the President of the United States, by the Secretary of War, as follows:

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

I have directed the Secretary of War to lay before you, for your information, the Reports of Brigadier General Scott and Lieutenant Colonel Commandant Wilkinson, the officers who commanded the two expeditions against the Wabash Indians, in the months of June and August last, together with the instructions by virtue of which the said expeditions were undertaken. When the operations now depending shall be terminated, the reports relative thereto shall also be laid before you.

G. WASHINGTON.

UNITED STATES, October 27, 1791.

Ordered, That the information referred to in the said Message do lie on the table.

Mr. MADISON, from the committee appointed to wait on the President of the United States, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress,

H. OF R.]

Ratio of Representation.

[OCTOBER, 1791.

reported that the committee had waited on the President, who signified to them that it would be convenient to him to receive the said Address at twelve o'clock to-morrow, at his own house.

FRIDAY, October 28.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for registering ships or vessels, and for regulating those employed in the coasting trade and fisheries; and that Mr. GOODHUE, Mr. FITZSIMONS, and Mr. LEARNED, be of the said committee.

The SPEAKER, attended by the House, then withdrew to the house of the President of the United States, and there presented to him the Address of this House, in answer to his Speech to both Houses of Congress; to which the President made the following reply:

Gentlemen:

The pleasure I derive from an assurance of your attention to the objects I have recommended to you is doubled by your concurrence in the testimony I have borne to the prosperous condition of our public affairs.

Relying on the sanctions of your enlightened judgment, and on your patriotic aid, I shall be the more encouraged in all my endeavors for the public weal, and particularly in those which may be required on my part for executing the salutary measures I anticipate from your present deliberations.

G. WASHINGTON.

A Message was received from the President of the United States, communicating a copy of the Enumeration of the Inhabitants of the United States, agreeable to the Census taken pursuant to a law of the Union. Also, sundry papers from the Governor of Pennsylvania, respecting several persons who have fled from justice from that State to the State of Virginia. The papers were read, and a motion laid on the table by Mr. SEDGWICK, that a committee should be appointed to whom the papers, respecting the persons fleeing from justice, should be referred; with instructions to report a bill or bills, making a general provision in cases of persons charged with felony, treason, or other crimes, who may flee from a State having cognizance thereof, &c.

The schedule of the Census was referred to a Committee of the Whole House, and made the order of the day for Monday next.

The other papers referred to in the Message of the President received yesterday, were then read, viz: An act of the State of North Carolina, ceding a tract of land for the use of the United States, for the erection of light-houses, and the reports of the commanders on the expeditions against the Indians.

On motion of Mr. SEDGWICK, a committee was appointed to bring in a bill to provide for the regulation of the Post Office and Post Roads, consisting of Messrs. LIVERMORE, CLARK, STEELE, BOURNE of Rhode Island, and THATCHER.

Mr. WILLIAMSON's motion, for a committee to bring in a bill to amend the act for promoting the progress of the useful arts, was adopted, and the

following gentlemen appointed: Messrs. WILLIAMSON, HILLHOUSE, and SEDGWICK.

MONDAY, October 31.

Several other members, to wit: from Vermont, NATHANIEL NILES and ISRAEL SMITH; from Maryland, UPTON SHERIDINE; from North Carolina, WILLIAM BARRY GROVE; and from South Carolina, ROBERT BARNWELL—appeared, produced their credentials, and took their seats in the House.

Mr. SMITH, of South Carolina, laid on the table a resolution for extending the time allowed for making a return of the census of South Carolina.

Mr. SEDGWICK's motion respecting persons who flee from justice, &c., laid on the table last Friday, was committed to Messrs. SEDGWICK, BOURNE (M.) and WHITE.

Messrs. AMES, DAYTON, BROWN, FITZSIMONS, and TUCKER, were appointed a committee to report a regular and uniform mode of proceeding in cases of contested elections of members of the House.

On motion of Mr. SEDGWICK, a committee, consisting of Messrs. WADSWORTH, SMITH, of South Carolina, and SYLVESTER, was appointed to report a bill for the relief of widows and orphans in certain cases.

THE CENSUS.

The House resolved itself into a Committee of the Whole House on the schedule of enumeration of the inhabitants of the United States.

Mr. LAURANCE observed, that there were two objects which presented for the attention of the committee on this occasion; the first, the apportionment of the ratio of representation—the other; the situation of the census as it respects the State of South Carolina—both of them important.

Mr. L. proposed a resolution in regard to the first—"That till the time of the next enumeration, the number of Representatives shall be one to every thirty thousand inhabitants." He further observed, that the census of South Carolina not being completed, and returns made within the time limited by law, it remains that some provision on that subject should be made; but as he supposed the gentlemen from that State would make a proposition to the House, he should waive any further remarks for the present. He concluded by repeating his motion, that the ratio of representation should be one for every thirty thousand.

Mr. LIVERMORE said, he was apprehensive the motion would be premature, till the fate of an amendment to the Constitution proposed to the people, was known; that amendment says that the ratio of representation shall be one to every 30,000 persons, till the number of Representatives amounts to 100; after which the ratio is to be one to 40,000. If this amendment is agreed to, the resolution on the table will contravene its operation; if that amendment is not adopted (and I heartily wish it never may be) we should, on the proposition now moved, have a larger House than that amendment contemplated; he was opposed to so large a number of Representatives as would

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The President's Speech.

[H. OF R.]

be consequent on the plan proposed, and concluded by inquiring whether the above amendment had been adopted by the requisite number of the Legislatures? On examination it did not appear that a sufficient number of the States had made returns respecting the amendments to determine the question.

Mr. SEDGWICK said the Constitution had provided that the number of Representatives should not exceed one for every 30,000, but Congress may increase the number of constituents of each member. He read the result of a calculation of the number of Representatives which would be returned on a supposition of there being one to 30, 33, 34, and 40,000 thousand persons. According to the present census, supposing South Carolina to contain 240,000 thousand persons—thirty thousand would give 110—thirty-three, 104; thirty-four, 100; and forty thousand, 82 members. Judging from the sense of the people, so far as it could be collected from what had been done respecting the proposed amendment on this subject, he was of opinion that the ratio which would meet the general approbation was that which would give about one hundred members in the House of Representatives.

Mr. LIVERMORE was in favor of a ratio which would give the smallest number that was mentioned by the gentleman last up.

Mr. WHITE said, that the general sentiment of the people was perhaps more fully known on the subject before the committee, than on any other that can come before them. Among the objections to the Constitution, the smallness of the representation was very generally objected to. An increase of the number of this House is expected. It has been said by the enemies of the Constitution that Congress will never consent that there shall be a Representative for every 30,000 persons. The time is now come when the question is to be determined; and I hope, said Mr. W., that Congress will act with the utmost liberality on the occasion; and that they will not diminish the number of Representatives.

Mr. DAYTON considered the subject in a different light from the gentleman last speaking. He supposed the sense of the people at the present day was opposed to a great increase of the number of Representatives. He thought that one to 40,000 persons would give the most eligible number, but was willing to meet the gentleman half way, and moved to insert the word *five* between "thirty" and "thousand," in the resolution.

Mr. WHITE explained himself as referring particularly to the time when the Constitution was adopted.

Mr. SEWY observed, that the subject was too important, in his opinion, to come to a sudden decision upon, especially as many of the members of the House had not arrived. He moved, therefore, that the committee should rise, report, and ask leave to sit again. The committee accordingly rose.

A memorial of Joseph Ceracchi, a Roman sculptor, was presented and read, proposing to execute a monument to perpetuate American Independence. Laid on the table.

TUESDAY, November 1.

ANTHONY WAYNE, member from Georgia, and JOSIAH PARKER, from Virginia, took their seats this day.

A Message was received from the President of the United States, communicating the arrangement made in respect to the division of the United States into districts and surveys, appointment of inspectors, and compensations to officers, pursuant to the law, laying duties on distilled spirits, &c. Also, a copy of the presentment of the grand jury of the federal court for the district of South Carolina, in which the causes are stated which prevented the completion of the census of that State within the time limited by law.

These papers being read, the motion of Mr. SMITH, of South Carolina, for allowing further time to complete the enumeration of the inhabitants of South Carolina, was taken into consideration, and agreed to; and Messrs. SMITH, BOURNOT, and VENABLE, appointed to report a bill accordingly.

Mr. MUHLENBERG, of the committee appointed to report such Standing Rules and Orders as may be proper to be observed by the House, brought in a report; which was read, and laid on the table.

Mr. BOURNE, of Rhode Island, moved the following resolution:

"That the Secretary of the Treasury be directed to lay before the House, the amount of the subscriptions to the public loan, made pursuant to the act making provision for the public debt, as well in the evidences of the domestic debt of the United States as those of the debts of the respective States; the amount that remains unsubscribed; also, such measures as he may think expedient to be adopted to complete the object of the law."

This resolution was agreed to.

THE PRESIDENT'S SPEECH.

The House then proceeded to the order of the day on the President's Speech. The Speech being read by the Clerk—

Mr. SEDGWICK said, that the last session of Congress, the House of Representatives, by the appointment of committees, to which almost every object of discussion in the President's Speech was referred, so far monopolized the public business, that during great part of the session, the Senate had very little to attend to. He thought it of importance that a similar interference should be avoided the present session. He then recapitulated the principal objects recommended to the attention of Congress in the Speech; and informed the House it had been intimated to him that the Senate proposed to take into consideration the subjects of the Mint, Weights and Measures, Consuls, election of President and Vice President, and the establishment of Land Offices. The House, therefore, if they thought proper, might avoid a primary discussion of these subjects, and employ their deliberations on other important parts of the Speech. Some of these the House had already provided for, by the appointment of committees, others remained to be attended to; among these,

the reference in the Speech to the excise law, he thought of very material consequence, and accordingly moved that a committee should be appointed to take into consideration that part of the President's Speech which relates to the carrying that law into execution, and to report such circumstances in the law, as may, with consistency, be so altered as to remove any well-intentioned objections against it; also to ascertain and report whether there exists a due proportion between the duties on foreign spirits and those of domestic manufacture.

Mr. BOUDINOT observed, that it struck him as an impropriety for the House to receive any information from the Senate, except through an appointed medium; this informal mode, if it was allowed, would be a bad precedent, and productive of great embarrassment; the difficulty which has been mentioned might be avoided by the appointment of a joint committee—which he thought to be the most eligible mode.

Mr. SEDGWICK replied, that he meant only to convey to the House the information he had received, which he supposed was of importance; he had no intention of establishing a precedent.

Mr. LAURANCE called for the reading of the Speech; which being read, committees were appointed on the several articles, as before stated.

Mr. SEDGWICK's motion occasioned considerable debate.

Mr. STEELE moved an amendment, by inserting the Secretary of the Treasury, in lieu of a committee. This officer, he observed, was more competent than any other person to give information on the subject, as he had paid the most minute attention to the operation of the law. Prejudices, he said, were entertained against the Secretary, on account of his having originally drafted the law; these prejudices he wished to be removed, as he was well satisfied that it was the wish of the House, as well as of the Secretary, that every reasonable objection against the law should be removed.

The motion for a reference to the Secretary was supported by Mr. WHITE, Mr. LAURANCE, Mr. GERRY, Mr. SMITH, (S. C.,) Mr. AMES, and Mr. WILLIAMSON.

Mr. SEDGWICK contended for a committee. He was supported by Mr. VINING, Mr. PARKER, Mr. BOUDINOT, and Mr. GOODHUE. On this side of the question it was urged, that there was a manifest impropriety and want of respect in referring any part of the President's Speech, or a law of the Union, to the Head of any particular Department; that the information to be derived from the Secretary would of course be received by a committee, and by them be communicated to the House. The present subject involved considerations that should arrest the particular attention of the Legislature, as they only were competent to decide upon them. The motion has reference to the rate of duties, and the House was certainly the most competent to judge of and estimate the public taxes.

After some further debate, Mr. SEDGWICK withdrew his proposition; and a motion by Mr. AMES,

for a reference to the Secretary of the Treasury for information respecting any difficulties in the execution of the law, was agreed to.

The business of offices for the sale of vacant lands within the territory of the United States, being considered as particularly connected with revenue, a committee of the House was appointed to prepare and report a bill or bills on that subject.

WEDNESDAY, November 2.

A petition of John Torrey, of the Commonwealth of Massachusetts, was presented to the House and read, praying to be reimbursed a sum of money which he has been compelled to pay for wagonage on account of the United States, during the late war. Referred to the Secretary of the Treasury.

Mr. GILES called up a memorial from the officers of the Virginia line, and other papers relative thereto, which were communicated by the President, to the late Congress, but not acted upon. The papers being read, he laid on the table the following resolution:

"That so much of the Message and Communications from the President of the United States to both Houses, on the 17th of January last, as relates to the bounty lands granted to the officers and soldiers of the Virginia line on the Continental establishment, be referred to a select committee, to examine the matter thereof, and report the same, with their opinion thereon, to the House."

On motion of Mr. DAYTON, it was resolved, that the Secretary of the Treasury be directed to report to the House, whether any and what alterations in favor of the spirits which shall be distilled from articles of the growth or produce of the United States, or from foreign articles within the same, can, in his opinion, be made in the excise law, consistently with its main design, and with the maintenance of the public faith.

Mr. GILES laid on the table a motion, that the Secretary of the Department of War should be instructed to lay before the House an accurate statement of all balances of pay which appear, by the books of his office, to be due to the officers and soldiers of the late army of the United States, and which either remain unclaimed, or have been claimed but not paid; together with the reasons for withholding payment from those who may have respectively entered their claims therefor.

Mr. VINING laid on the table a motion for the appointment of a committee, to report a bill or bills, to establish a uniform system of bankruptcy throughout the United States.

Mr. DAYTON laid on the table a motion, that the Board of Commissioners for settling the accounts between the United States and individual States, be directed to report to the House what progress they have made in such settlement; and their opinion as to the prospect which the present state of the business affords of its speedy and final conclusion.

Mr. GERRY, from the committee to whom was referred the memorial of the Sheriff of Suffolk county, in the State of Massachusetts, made a re-

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Ratio of Representation.

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port, tending to grant to all persons confined in any State, under the authority of the United States, the same privileges and immunities to which they would be entitled if confined under the authority of the State. Ordered to lie on the table.

THE CENSUS.

The House resolved itself into a Committee of the Whole, Mr. MUHLENBERG in the chair, and took up the bill for the enumeration of the inhabitants of the district of South Carolina.

Some gentlemen having expressed their apprehensions that, by the words of the bill, the Marshal of the district of South Carolina might be empowered to make a new enumeration of the inhabitants, which was contrary to the sense of the House, and would give that State an undue advantage over the other States, an amendment was moved and adopted by the committee, in the following words: "Provided, that in the said return" [of the enumeration of the inhabitants of the district of South Carolina] "such persons only shall be included as were inhabitants of the State at the time prescribed for taking the census," &c.

Another amendment being also proposed and adopted, the committee rose, and reported the bill as amended.

The House then proceeding to consider the amendments of the committee, some remarks were made, to show that the one above quoted might tend to violate the return, and was moreover an unnecessary precaution, as the proposition was not for making the enumeration of the whole State, but of giving in the return of the enumeration already made, and completing the census, by the addition of a very small district, that was not yet included in the general return. The amendment was therefore rejected by the House, and the bill was ordered to be engrossed.

THURSDAY, November 3.

Two other members, to wit: RICHARD BLAND LEE and JOHN PAGE, from Virginia, appeared, produced their credentials, and took their seats in the House.

An engrossed bill granting further time for making Return of the Enumeration of the Inhabitants of the District of South Carolina was read the third time and passed.

Ordered, That so much of the Message and Communication from the President of the United States to both Houses, on the seventeenth of January last, as relates to the bounty lands granted to the late officers and soldiers of the State of Virginia, together with all previous proceedings of Congress, or the Legislature of the State of Virginia, and all papers relative thereto, be referred to the consideration of Mr. GILES, Mr. CLARK, and Mr. LIVERMORE, with instructions to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills, directing the mode in which the evidences of the debt of the United States which have been lost or destroyed shall be

renewed; and that Mr. SEDGWICK, Mr. GILES, and Mr. DAYTON be the said committee.

Ordered, That the Report of the Attorney General, concerning such matters relative to the administration of justice under the authority of the United States as require to be remedied, together with certain propositions of amendment to the Constitution of the United States, which were offered on the third of March last, and deferred for consideration to the present session, be committed to a Committee of the Whole House to-morrow.

THE CENSUS.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States

The motion of Mr. LAURANCE was again read, viz: "That until the next enumeration of the inhabitants of the United States, there shall be one Representative for every thirty thousand persons."

Mr. SEDGWICK moved to insert the word *four*, between "thirty" and "thousand."

Mr. DAYTON moved to strike out *thirty*, before "thousand," and leave the blank to be filled up.

Mr. LIVERMORE moved to insert *forty thousand*.

Mr. CLARK observed, that it was well known that great uneasiness prevailed among the people in various parts of the Union, on account of the salaries and compensations to the officers of Government. The expense of supporting the Government was increasing, and it must therefore be contrary to the general wishes of the people to enlarge the representation, which would add to the public burden, without being productive of any advantage. He was in favor, therefore, of striking out "thirty," and inserting *forty*.

Mr. WILLIAMSON, after a few preliminary remarks on the several calculations that different members had made, and applying the various results to the population of the small States in particular, observed, that such a ratio should be adopted as would leave the fewest fractions, and at the same time do as much justice as possible to those States. With respect to the general question, he thought the people were divided in opinion; some were in favor of a large representation, others were opposed to a great addition to the present number. The expense of supporting the Government is great; the people realize that in the nature of things it must increase; this consideration should lead to adopt a medium, and if possible to fix on a ratio that might give general satisfaction. At all events he wished that Congress would reserve to itself the power of increasing the number of Representatives, in case the sentiments of the people should be in favor of the measure. He observed that the lowest number of constituents which had been mentioned was thirty thousand, and the highest forty; if gentlemen could not agree in either, he hoped they would adopt the medium.

Mr. LAURANCE objected to striking out *thirty*. This subject, said he, has been canvassed throughout America; innumerable are the pamphlet and newspaper publications which have appeared in

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all parts of the United States. The smallness of the representation was early objected to; and it was very generally expected, that when the amendments to the Constitution took place, that one Representative to every thirty thousand persons would be the established ratio. The majority of the publications on this subject—the various amendments proposed by the States, all plainly declare that the sense of the people is in favor of one for every thirty thousand. And what are the objections? It is said that the public business will be impeded by a large number of members in the House, and that the expense will increase the public burdens of the people. With respect to the first objection, it seems to be a general idea of gentlemen, that about one hundred members would be the most eligible number; the proposed ratio will give about one hundred and twelve; an addition of ten or twelve cannot embarrass the public business. The objection on account of an increase of the expense, he did not consider as well founded. The increase of the representation will be in proportion to the increase of the people who pay for the support of the Government. The objection he could not consider, therefore, of sufficient weight to deter Congress from establishing such a ratio as would give a representation fully competent to doing full justice to every part of the Union. The Government is a Government by representation, and it is of the last importance that the confidence of the people should be inspired by feeling that their interests are fully represented.

Mr. L. observed, that increasing the ratio would undoubtedly excite uneasiness and complaint in some of the States, by diminishing their present representation. He concluded by saying that the few remarks he had made were crude and undigested. Not expecting the subject to be brought forward this day, he had not revolved it sufficiently in his mind. He hoped, however, that what had been said would prevent a sudden decision of the question.

Mr. GILES moved that the committee should rise, report, and ask leave to sit again. The motion was agreed to.

FRIDAY, November 4.

Another member, to wit: EGBERT BENSON, from New York, appeared, produced his credentials, and took his seat in the House.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his reports on the several petitions of John Younglove, of sundry inhabitants of the counties of Albany and Washington, in the State of New York, and of John Torrey, administrator, &c., of the late Major Joseph Torrey; which were read, and ordered to lie on the table.

IMPRISONMENT FOR DEBT.

The reports of committees on the memorials of F. and J. Choat, Susannah Fowle, and the Sheriff of Suffolk county, in the State of Massachusetts, being called up,

Mr. SEDGWICK moved, that the House should accept the committee's report on the last men-

tioned memorial, viz: that a committee would be appointed to bring in a bill allowing to prisoners, confined in any State under the authority of the United States, the same privileges and immunities as are enjoyed by persons confined under the authority of the State.

Mr. LIVERMORE doubted whether the House had a right to accept the report. Certain indulgences, he observed, are allowed to prisoners in some States, which are not granted in others; and he would ask, whether the House could establish any uniform rule for such cases throughout the United States? If the indulgence was only granted in conformity to the State laws, it would not be uniform. He wished, for the sake of humanity, that in every State there were laws equally indulgent to confined debtors; and, were this the case, he would cheerfully concur in accepting the report. But, since the case was otherwise, and that the adoption of the proposed measure would establish a system not uniform, he wished that the report should be referred to the committee, that was proposed to be appointed, to bring in a bill for the establishment of an uniform system of Bankrupt laws throughout the United States.

Mr. SEDGWICK, after several remarks in support of his motion, concluded by expressing his hope, that the House possessed sufficient authority to make such provisions in favor of unfortunate debtors as humanity itself dictated. He did not recollect to have ever heard so many disagreeable observations made on any subject, as on the confinement of prisoners under the authority of the United States, which was more rigorous than could be the case under the laws of the State which he represented.

Mr. WHITE was against the appointment of a committee on this particular case, as it was one of many that would, of course, occur in the execution of the Judiciary system. He wished the case in question should be referred to the committee appointed yesterday, on the Report of the Attorney General; and that every inconvenience that might be foreseen in the Judiciary system should, as far as possible, be remedied.

Mr. SEDGWICK having consented to withdraw his motion in favor of Mr. WHITE's proposal,

The report was referred to the Committee of the Whole House on the revision of the Judiciary system.

On motion of Mr. WHITE, the petition of Susannah Fowle, and the committee's report thereon, was referred to a Committee of the Whole on the state of the Union.

The report of the committee on the petition of F. and L. Choat, that the prayer of the said petition cannot be granted, was accepted by the House.

Mr. FITZSIMONS moved for the appointment of a committee to bring in a bill to regulate the pilots, and to provide for the superintendance of the light-houses, beacons, buoys, and public piers of the district of Pennsylvania.

A proposition being made to extend the effects of the bill in contemplation, to the United States in general, it was, after some remarks made by

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Messrs. LEE, FITZSIMONS, and WILLIAMSON, ordered that the motion should lie on the table.

Mr. LAURANCE suggested the propriety of postponing the order of the day (the consideration of the census) until some day next week, when a fuller House might be expected. It was accordingly postponed till Thursday next.

MONDAY, November 7.

Several other members, to wit: From Pennsylvania, WILLIAM FINDLAY; from North Carolina, JOHN BAPTIST ASHE; and from Georgia, ABRAHAM BALDWIN; appeared, produced their credentials, and took their seats in the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of certain estimates of sums necessary to be appropriated for various objects therein specified, including the service of the year one thousand seven hundred and ninety-two; which was read, and ordered to be referred to Mr. LAURANCE, Mr. BALDWIN, and Mr. ASHE, with instructions to prepare and bring in a bill or bills pursuant thereto.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act granting further time for making return of the enumeration of the inhabitants of the District of South Carolina," with several amendments, to which they desire the concurrence of the House.

The House proceeded to consider the said amendments; and the same being read, were agreed to.

The SPEAKER laid before the House a report from the Commissioners appointed by the act entitled "An act making provision for the reduction of the public debt," stating the amount of the purchases which have been made of the public debt, in pursuance of the powers vested in them by the said act; which was read, and ordered to lie on the table.

CASE OF JOHN TORREY.

The Report of the Secretary of War on the petition of John Torrey was taken into consideration. This report was against the prayer of the petition: as the late Major Torrey died before the expiration of the war, and, leaving no widow or orphans, his heirs are not entitled by any law to commutation or half-pay.

Mr. AMES observed, that Congress stipulated with the officers of the army that those which continued in the service to the end of the war should be allowed half-pay for life, or commutation. The question, then, was, whether Major Torrey had performed his part of the contract? In his opinion he had; for, though the army was continued in pay till November, yet it is well known that hostilities had ceased before the period at which Major Torrey died. Mr. A. further observed that this was a case *sui generis*; that the application was founded in the strictest justice; and, were he to determine it in a judicial capacity, he should be as clear to decide it in favor of the prayer of the petition as he should in the case of a simple note of hand. He added several other remarks,

and concluded by a motion that the petition, together with the report thereon, be referred to a select committee, in order that the principle for which he contended might be fully discussed in the House.

Mr. WHITE opposed the motion for a reference to a select committee. He mentioned several difficulties which must occur in the course of the discussion, on account of past decisions of Congress. The petition (said he) appears to create a debt which is not cognizable by Congress, as it did not exist agreeably to the act of limitation at the time of adopting the new Constitution. He should rather be in favor of a reference to a Committee of the Whole House.

Mr. AMES observed, that he considered the application in a quite different light from the gentleman last up. It is not a petition for a grant from Government; but for the settlement of a just account and payment of a just debt, which really existed prior to the organization of the present Government.

Mr. BOUDINOT observed, that all the difficulty in the case appears to arise from a difference of opinion as to the time when the war ceased. This, he conceived, might easily be determined by the period to which the army of the United States had been paid and discharged.

Mr. CLARK was against a reference to a Committee of the Whole. He saw no difficulty in determining the business; but, if we go into a Committee of the Whole, it will appear as if we were fishing for applicants. This has been called a single case; but he believed, if the door was once opened, we should soon find a great many like it. He wished rather that the business should rest where it was.

Mr. WILLIAMSON said he was equally opposed to a Committee of the Whole and to a select committee. He was in favor of proceeding in the usual way, and coming to a vote upon the report. Congress promised that the widows and orphans of those officers who died in the service of the country should be entitled to half-pay for life. In the present case it happens that there are neither widows nor orphans, but some more distant relations who want it. He enlarged on the confusion which would be consequent on establishing a precedent like that proposed, and concluded by saying that he had heard nothing sufficient to induce a deviation from the line already prescribed.

Mr. PAGE was in favor of a reference to a Committee of the Whole; for though he had a high respect for the opinion of the officer who had made the report, yet, if an individual member of the House should at any time express a wish to have a report from the Head of any Department whatever discussed in the Committee, he should be in favor of his being gratified.

The motion for a select committee was negatived.

Mr. AMES then moved that the report should be rejected.

This motion was followed by one for a reference to a Committee of the Whole, by Mr. WADSWORTH, who observed, that he considered the ap-

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plication as involving this question: Whether the heirs or representatives of every officer who died in the service of the United States, at any period of the war, should not be entitled to commutation or half-pay for life?

The question for a reference to a Committee of the Whole was carried in the affirmative, to be taken up to-morrow.

JOHN YOUNGLOVE.

The Report of the Secretary of War on the petition of John Younglove, and a counter-petition thereto from sundry inhabitants of the State of New York, was next taken into consideration. The counter-petition contained sundry charges of unfair conduct in procuring the pension granted to Mr. Younglove. The report exculpates the petitioner from any imputation of deception in respect to the means employed in obtaining the pension, and assigns the reasons on which it was granted by Congress, and concludes by stating this inquiry: Whether it would be expedient to repeal that part of the law which assigns a pension to the petitioner, agreeably to the prayer of the counter-petition?

Mr. LAURANCE moved the following resolution:

Resolved, That it would be inexpedient to repeal that part of the law on which the pension to John Younglove was founded."

Some discussion of this motion, which was eventually superseded by a motion offered by Mr. BENSON, to this effect: That the prayer of the petition of sundry inhabitants in the State of New York, that so much of a law of the United States as grants a pension to John Younglove may be repealed, cannot be granted.

This motion was laid on the table, and the further consideration of the subject postponed.

JOSEPH TUCKER.

On motion of Mr. THATCHER, the Report of the Secretary of War, made to the first Congress, on the petition of Joseph Tucker and others, praying compensation as agents to certain regiments, last war, was taken into consideration. This report was against the petition. The same being read,

Mr. THATCHER moved that the report be rejected by the House, and that there be allowed to the said Joseph Tucker and others the sum of one per cent. on the amount received and paid by them respectively, including the sums granted by the State of Massachusetts.

Mr. BOUNDNOT objected to this motion. He thought the proper question before the House was, Whether the report of the Secretary should be agreed to or not? The motion involved a partial decision on a case which was by no means singular, as similar applications had been made to Congress. He moved that the report should be agreed to by the House.

Mr. SMITH, of New Hampshire, inquired whether the amount of the sums received by those agents from the public had been all paid over by them to the uses for which they were received; and what was the actual amount of their commissions on the sums paid?

The amount of the sums received was only mentioned in the Secretary's report.

Mr. SEDGWICK observed, that the accounts of the petitioners, it appears, have been settled by the Legislature of Massachusetts; and, should the motion be agreed to, it would lead to a revision of all the accounts which had been settled at that period on similar principles.

Mr. THATCHER, in reply, said that his colleague was mistaken in respect to the accounts being settled, as some of the parties had informed him that they never acquiesced in such settlement, and would not receive the certificate tendered them as compensation for their services, as its intrinsic value was much less than their just demand.

The motion for agreeing to the report of the Secretary of War being put, was carried in the affirmative; and Mr. THATCHER'S motion was superseded of course.

TUESDAY, NOVEMBER 8.

Another member, to wit: ANDREW GREGG, from Pennsylvania, appeared, produced his credentials, and took his seat in the House.

JOHN TORREY.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of War on the petition of John Torrey, administrator of Major Joseph Torrey, deceased.

Mr. AMES objected to the motion for accepting the Report of the Secretary of War. He said, it must be apparent that he was placed by accident in a relation to the subject in debate, which he should not have adopted of choice. With very little knowledge of the parties and their connexions, and the interests that would be involved by the decision, he seemed to be considered as standing sponsor for the petitioner. He might justify this active support of the petition, by assigning motives which were common to other gentlemen; but as they have continued silent, I will assign a reason for speaking, which is peculiar to myself. Nothing excites a person to a more fervid defence of his opinions, than the supposed discovery that they are misunderstood, and the force of the reasons on which he had formed them, unduly estimated.

Congress promised half-pay to the officers who should continue in service to the end of the war—This was afterwards made a commutation for half-pay. Major Torrey continued in service till September, 1783, when he died. The question is, did he continue in service to the end of the war? The provisional articles of peace were signed on the 30th November, 1782; but they were to remain without force till terms of peace should be agreed upon between Great Britain and France. This took place on the 30th January, 1783, and the ratifications were exchanged on the 3d February, 1783, at Paris. The provisional treaty between Great Britain and America was then a *treaty of peace*, and according to the words of that treaty was *concluded*. Accordingly, on the 11th April, 1783, Congress by a proclamation made known those facts, and the stipulations made, in

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regard to the periods when hostilities should cease, by the contracting parties to the treaty. Hostilities did cease, and before the end of April, 1783, all America was in perfect peace. The late hostile nations shook hands, our vessels sailed in safety, and by sea and land reconciliation succeeded to hostility.

But did all this put an end to the war? The children in the street would answer this question: They would say, it is peace when it is not war. Of all facts, the most notorious seems to be the state of war; and it is the fact that the war was at an end, (and not any after resolve of Congress) that the commutation of Major Torrey was made to hinge upon. When the meaning of a bargain is disputed, it is usual to search out the intention of the contracting parties when it was made. Supposing, instead of interpreting a resolve of Congress, any twelve of this body had to try a case between two private persons; suppose that a man had given his note of hand for a sum to be paid at the end of the war. Would twelve of this House, or would any jury in the country say that the war continued longer than hostilities? In private life, a man would think it touched his character to refuse paying his note in such case. Surely a Government ought to perform its promise with as much delicacy and exactness. Congress did not promise the half-pay, and afterward the commutation on the condition that a man should serve till they should think proper to say the war was at an end. He depended on the stubborn fact that it did end, which no resolution of Congress could change; and not on the refining opinion when the officers might safely be discharged—for that we see might be differently formed, according to the different views of policy and safety at the time. An officer having this promise of Congress, has a right to this commutation on the cessation of hostilities, in pursuance of the treaty. If this is disputed, the meaning of the words "*the end of the war*," should be decided as it was understood at the time of the promise. Will any one believe that the 3d November, 1783, was the term, after the state of war and all the treaties which put an end to it, had been long passed? If any doubt still remains, writers on the law of nations should be consulted. For the officer may justly claim an execution of the promise according to law; that is the umpire between Government and the people. On appealing to the law of nations, we find that war is defined to be "the state in which a nation prosecutes its right by force." "Peace is opposed to the state of war—an accommodation is proposed and conditions agreed on, and thus peace puts an end to war." "When the Powers at war agree to lay down their arms, the agreement is the treaty of peace." "The general and necessary effects of peace, are the reconciliation of enemies and the cessation of hostilities; it restores the two nations to their natural state." Would any jury in this country say, that the matter of fact and the principles of law were not in favor of the petition? Apply these maxims of law to the case. The provisional articles of November, 1782, were of themselves nothing, it is true, but they were to consti-

tute the treaty of peace, whenever Great Britain and France had agreed on the terms of peace. As these two Powers did agree on the 30th January, and ratified the terms on the 3d February, 1783, then the provisional articles, to use the very words of the preamble, did constitute the treaty of peace; it was then a concluded thing; and peace in fact took place in the several parts of the world on the appointed days.

It has been said, that the preliminaries were no more than a suspension of arms—that the state of war still continued, until a definitive treaty. To this it is answered, that preliminaries bind the national faith, if violated, the perjured faithless nation would kindle a new war. By the law of nations there is not such a distinction as that which is alleged, between preliminary and definitive treaties. Let the authorities for such a distinction be produced by those who make it. But they do not exist—a truce does not put an end to a war—a truce is, however, a suspension of war for a specified term. At the end of this term, the war begins again, of course, without any fresh declaration. But a suspension of hostilities for an indefinite period, is not a truce, but a peace; especially if it is added, that it is agreed upon by the belligerent nations in consequence of a settlement of their disputes, and if it happens in fact that the war is not revived. Those who make so much of a definitive treaty, and so light of preliminaries, should consider that, on their own system, the former is a kind of defeasance which annuls the latter. But when the definitive treaty is signed, the preliminaries, which before were liable to be annulled, now become of force, and the treaty, now become indefeasible, takes its date from the preliminaries. Though this mode of reasoning has not much weight on my mind, it ought to have some with those who have set up the distinction which it is adduced to overthrow.

These are the reasons on which I have formed my opinion that the war ended in fact in April, 1783, when hostilities ceased by mutual agreement of the Powers at war. My opinion is supported by authority much more reputable than any I can give to it. The law courts in this country have decided it judicially; cases of captured vessels, and the question of interest on British debts, have produced decisions in every State of the Union, unless I am misinformed, that the war ended in March or April, 1783. The courts in England, and in every country where the war spread, on trials of property, have made similar decisions. Major Torrey died in September, 1783; shall this body decide against the settled rule of all the law courts?

It remains to remove some objections:

It is alleged, that Congress have by various resolves fixed the period of the war, and have declared that the 3d November, 1783, is the term. If they had declared that it should be computed from the end of the world, it would not alter the truth of the fact. After declarations ought not to be received to change their own promises. But a declaration, or a dozen of them, made for another purpose, and not to declare the meaning of the

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contract, cannot on any principle be received to interpret it. It is not necessary, however, to contend against those resolves of Congress. They are irreconcilable with the former engagement to Major Torrey. In undertaking to reconcile them, I feel that I impose a task on myself, which is made heavy by the prepossessions of many of my friends; I believe the minds of gentlemen are perfectly fair, and well-disposed to doing the petitioner justice. But I hope I shall not be thought to intend any offence, when I remark that certain ideas, such as that this claim is cut off by resolves of Congress, and that on allowing it, confusion would take place in the business of the public offices, were started with the discussion, and they have remained so woven into the texture of the debate, that I think it hard to unravel them. It was soon manifest that there was a general disposition to vote against the petition. This opportunity for debate seems to have been accorded as of grace, rather than as a means of removing any existing doubts of their own. Having adopted these opinions, this is rather a form of refusal than a mode of inquiring; and it seems to have been chosen with every circumstance of decency, and with all possible steadfastness of purpose. Yet I will proceed to state, that the point whether the war was at end when hostilities ended in April, 1783, being already considered fully, we are to look for other reasons than such as relate to the commutation, to explain the resolves of Congress which continued the service of the officers beyond the end of the war, and as late as November, 1783. A mistake seems to have crept in here. It seems to be supposed that the officers were engaged to serve to the end of the war, just long enough to secure their commutation. But the commutation depended on one thing—the term of their service on another. The former was their right at the end of the war; but they were to remain in service till dismissed, unless they should think fit sooner to resign. They held their commissions during the pleasure of Congress. Though when the war ended they had a right to the commutation, they had no right to say their service was at an end. They did not choose to resign: Congress, for wise reasons, did not choose to dismiss them. A foreign army was still in New York. They were sent home on furlough, but drawing pay, and liable to be called into the field. Congress, in their resolves, did not say that it was not peace, but in effect that it was unsafe to disarm. Gentlemen are not well agreed among themselves as to the end of the war. Some fix it at the definitive treaty of September 3, 1783; others at November 3. Their conclusions agree as illy with their principles; for if the definitive treaty put an end to the war, how can the same gentlemen say that the war was kept alive, on the journals of Congress, till November, 1783? Here, then, were Peace and War subsisting quietly together during two months.

The fears of making confusion by opening a door to many applications, seem to be groundless. A man must have died between the end of hostilities and November, 1783, to place a claim on

the like footing. The living have had their commutations; they cannot come: and no other officer died in that period, as far as I can learn. I have inquired, and cannot find at the office of the Secretary of War any precedent which militates with this claim, nor any reason to suppose that any similar one will be offered. The case is a new one; it stands alone, and probably ever will, and it must be decided on its own merits. Believing the fact to be indisputable that Major Torrey served to the end of the war, confiding in the principles of the law of nations, and the settled decisions of the Judicial Courts, I have endeavored to explain my ideas with perspicuity, and to impress them with force. I have said more than questions touching an individual will often be found to merit; but when public principles are construed to the prejudice of private rights, the debate cannot be treated too seriously.

Mr. Boudinot said, he differed in opinion from the gentleman in his construction of the business. He did not coincide in the idea that the decision of the present question should be on a strictly judicial principle. The petition is founded on certain resolutions and laws of Congress; and as there are certain established rules which have been observed in settling with every other officer similarly circumstanced, Congress cannot now with propriety break through those rules; to these they ought to adhere, till by the decision of some Judicial Court it shall appear that they are contrary to the rules of justice. [Here Mr. Ames requested Mr. Boudinot to point out the rules to which he referred.] Mr. B. referred to the report now under consideration, which was founded on a resolution of Congress, that the time for which the army was engaged should expire in November, 1783. This has been made a rule in all the settlements with the officers of the army.

The terms of the contract, between the officers and the United States, depended, he said, on the decision of the sovereign power; that was authorized alone to determine when the war should cease. That power was vested in the then-existing Congress, who, although they entered into provisional articles in November, 1783, did not, however, think proper immediately to disband their armies or put an end to the war, as it was yet uncertain whether those provisional articles would be ratified by Great Britain, or a treaty of peace concluded between Great Britain and France; a circumstance which was necessary before those articles could be definitively binding. It was only when the definitive treaty was made, that Congress determined the period of the war. The army, when finally disbanded and paid up to that day, acknowledged, by accepting their pay, that it was then only the war ended; and, as far as was in their power, assented to the principle which he maintained, that the provisional articles had not before put an end to the war. Suppose that, on the arrival of the definitive treaty, Congress had not agreed to the terms, would the war have then been considered as at an end? Would not Congress have been in the same situation as before the signing of the provisional articles? It

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was necessary that Congress should, by a definitive act, determine when the war ceased. Congress had passed such an act; and the House at present cannot with propriety enter into a resolution to alter the period. The argument of inconvenience ought also to have some weight with the House; for if any alteration were now to be made in the law, it must have a retrospect to all the widows and children of deceased officers, who have received half pay for years past. Besides, many officers who have not hitherto considered themselves as entitled to half-pay, would, in consequence of such an alteration, have a right to apply for it.

Mr. LAURANCE said, he doubted not the gentleman who supported the petition was fully satisfied as to the justice of the claim which he advocated with so much ardor; he begged leave to state his opinion, however, on the subject, in which he should differ from that gentleman.

The contract with the officers of the late army was, that those should be entitled to certain benefits who served to the end of the war. But Major Torrey was not thus circumstanced, as he died previous to the period when the war ceased, and left neither widow nor orphan to receive the benefit of the provisions allowed by law; his case is not contemplated by any existing resolution of Congress.

It is well known that hostilities ceased at the time of publishing the provisional articles which formed the basis for the treaty of peace; but can any man say that every soldier had a right on that event to demand a discharge? Surely not. The provisional articles had the peace in contemplation, but the army was not to be discharged till the articles of the definitive treaty were ratified by the belligerent Powers. The army of the United States was, therefore, only furloughed, and Congress retained the power of recalling them into service; and had the officers and soldiers been recalled from their furloughs to take the field, it would have been a continuance of the same war; but if the definitive treaty had been signed, and hostilities had commenced the very next day, it would have been a new war, and would have been prosecuted on entirely new principles. The second article of the provisional treaty looks forward to a future period for a conclusion of the war; and he inferred, that the definitive articles being ratified, and the ratifications exchanged, alone constituted a termination of the war. Mr. L. added some observations on the legal ideas of Mr. AMES, in which he also differed from that gentleman; and concluded by expressing his approbation of the Report of the Secretary of War.

Mr. AMES's remarks were further combated by Mr. WILLIAMSON, Mr. DAYTON, Mr. HILLHOUSE, Mr. WADSWORTH, Mr. CLARK, and Mr. WHITE.

Mr. WAYNE was opposed to the report, and stated certain particulars to show that the army was not furloughed by Congress because it was apprehended there would be any further demand for their services, but because it was inconvenient to give them an absolute discharge at that period.

The motion for accepting the Secretary's Report was carried by a large majority.

WEDNESDAY, November 9.

Two other members, to wit: from Maryland, WILLIAM VANS MURRAY; and from South Carolina, THOMAS SUMPTER; appeared, produced their credentials, and took their seats in the House.

The Speaker laid before the House a Letter from the Governor of Maryland, enclosing a Letter to him from WILLIAM PINKNEY, a member returned to serve in this House for the said State, containing his resignation of that appointment; also a return of JOHN FRANCIS MERGER, elected a member to serve in this House, in the room of the said WILLIAM PINKNEY; which were read, and ordered to be referred to the standing Committee of Elections.

Mr. SEDGWICK, from the committee appointed, presented, according to order, a bill directing the mode in which the evidences of the debt of the United States, which have been lost or destroyed, may be renewed; which was received, and read the first time.

Ordered, That the Committee of the Whole House be discharged from considering certain propositions of amendment to the Constitution of the United States, which were committed to them on Thursday last; and that the said propositions of amendment be referred to Mr. SEDGWICK, Mr. HILLHOUSE, Mr. BENSON, Mr. BOUDINOT, Mr. MADISON, Mr. SMITH, of South Carolina, and Mr. STEBLE.

Resolved, That the Attorney General be directed to report to this House such farther information as he may be in possession of, relative to the operation of the Judicial System.

Resolved, That a committee be appointed to prepare and bring in a bill or bills to establish an uniform system on the subject of bankruptcies throughout the United States; and that Mr. VINING, Mr. BOUDINOT, Mr. GILES, Mr. LAURANCE, and Mr. GERRY, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to regulate pilots, and provide for the superintendence of the light-houses, and the beacons, buoys, and public piers, in the bay and river of Delaware, and the bay of Chesapeake, with the rivers emptying into the same; and that Mr. FITZSIMONS, Mr. LEE, and Mr. SHERIDINE, be the said committee.

The House proceeded to consider the report of the Secretary of War on the petition of John Younglove, and of sundry inhabitants of the counties of Albany and Washington, in the State of New York: whereupon,

Resolved, That the prayer of the said petition of sundry inhabitants of the counties of Albany and Washington, in the State of New York, for a repeal of so much of the act of Congress, entitled "An act for the relief of disabled soldiers and seamen lately in the service of the United States, and of certain other persons," as relates to the pension of the said John Younglove, cannot be granted.

Mr. VINING called up a motion, heretofore made by him, for the appointment of a committee to prepare a bill or bills to establish an uniform system of bankruptcy throughout the United States.

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The question being taken on the motion, and carried, a committee was accordingly appointed.

A committee was also appointed (pursuant to a motion heretofore made by Mr. FITZSIMONS, and since amended) to bring in a bill or bills for the regulation of pilots, and the superintendence of the beacons, buoys, and public piers in the bay and river of Delaware, and in the bay of Chesapeake, and the rivers disemboгуing thereinto.

The Report of the Secretary of the Department of War, on the petition of John Younglove, and the counter-petition of sundry inhabitants of the State of New York, being then called up, a resolution was moved,

"That the prayer of the petition of sundry inhabitants of the counties of Albany and Washington, in the State of New York, for the repeal of so much of the act, entitled, 'An act for the relief of disabled soldiers and seamen lately in the service of the United States, and of certain other persons,' as relates to the pension of John Younglove, cannot be granted."

[John Younglove having been, but not then actually being, in the service of the United States, was disabled in his own house, in repelling an attack of the enemy during the late war. He obtained from the late Congress a pension; and the contra-petitioners endeavored to effect the revocation of the grant. All the papers on this subject being referred to the Secretary of the War Department, he reported, as his opinion, that Mr. Younglove did not, by any of the existing acts of Congress, seem entitled to a pension.]

An interesting debate took place on the propriety of withdrawing the pension. On the one hand, it was urged, that if Mr. Younglove's title was admitted, every man who might suffer in his person or property, from an attack of the Indians or of any other assailant, would have an equal right to claim a compensation, at the national expense, and that the multitude of such claims would drain the public coffers; that Congress was not infallible; and if the late Congress had committed an error in granting a pension where it was not justly due, the present Congress have a right, and are, in duty to their constituents, bound to rectify the mistake, by revoking the grant. On the other hand, it was said, that although Mr. Younglove was not, under the then existing laws, entitled to a pension, yet, as the late Congress thought him deserving of one, and conferred it on him, it would ill become the present Congress to revoke the grant. They ought to suppose that their predecessors had sufficient reasons to influence them in making it; at all events, the grant being once made, and the public faith plighted for the continuance of the pension, they could not now withdraw it, without destroying the public confidence in the promises of the Government.

The question being taken on the motion, it was carried in the affirmative.

THURSDAY, November 10.

A bill directing the mode in which the evidences of the debt of the United States, which have been lost or destroyed, shall be renewed, was

read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

THE CENSUS.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States.

Mr. LAURANCE had previously moved, that until the next enumeration the number of Representatives should be one for every thirty thousand persons.

Mr. DAYTON moved to strike out "thirty," before "thousand." This amendment was under consideration.

Mr. GERRY observed, that in all the decisions of the Legislature, we ought to follow as far as possible the opinion of the great body of the people. If this opinion should be found to be against the ratio of thirty thousand, the amendment ought to be adopted; but if we refer to the amendments proposed by the Conventions to the Constitution, we shall find that five States are in favor of one Representative to every thirty thousand persons, till the number should amount to two hundred. None of the propositions now moved as amendments to the motion of the gentleman from New York, amount to that number. Several others of the Conventions were of opinion that the representation was too small to secure the liberties of this country. This Government, said he, is a Government of representation: the people may control their Representatives, but their influence is small in respect to the Senate and the Executive, and still less over the officers of Government. On what then do the people depend for checking encroachments, or preventing abuses? On their Representatives? If these should be too few, or if they should fail them, they never can redress their grievances without having recourse to violence. If the number is small, a majority may be the more easily corrupted. On the other hand, too large a number will be attended with difficulties; a medium then is most eligible. An adequate number is absolutely necessary; and to show that one to thirty thousand would not produce more than an adequate number, he referred to the ratio of representation in England and France, in which there was a greater proportion of Representatives than in the Legislature of the United States.

It has been objected to an increase of Representatives, that it would lead to encroachments on the part of the General Government, over those of the individual Governments. He thought that the reverse of the objection was true, and instanced the opinion and plan of Governor Hutchinson, of Massachusetts, who proposed and advised a reduction of the representation of Massachusetts, as a necessary step in order to effect the designs of Great Britain; decreasing the number, therefore, will be lessening in proportion the security of the liberties of the people.

He then adverted to the objection arising from the additional expense; but, he observed, after Congress shall have passed a few more of the most

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important acts, it is not probable that the public business will in future require that the sessions should be for more than four months annually; this would reduce the expense greatly, in the first instance; and, agreeably to a calculation, an addition of forty-seven members to the present number, would make the aggregate expense but about one-eighteenth part more than at present, supposing the sessions to be four months long. But he considered the objection on account of the expense as merely speculative.

Although Congress is not positively bound by the Constitution to give one member for every thirty thousand inhabitants, yet he would ask, whether the citizens of the United States did not expect that this ratio would be adopted? and whether they would not consider it as an abuse of power, if Congress, instead of one to thirty thousand, should settle the representation at one to forty thousand? Eight States have already adopted the first article of the proposed amendments to the Constitution: and if the House should either settle the number of the Representative body, as it now stands, or reduce it, or establish it at one hundred, perhaps they might, before the end of the session, be obliged to repeal their act—as they would be bound by the amendment, as soon as it is ratified by a sufficient number of States. If gentlemen thought it probable that the proposed amendment would be ratified by the several States, they ought already to consider it as a rule for their conduct, and be restrained by it, from giving less than one Representative for thirty thousand inhabitants. After the representation amounts to one hundred, Congress will, no doubt, have a right to fix it there, until it is increased by the ratio of one to forty thousand: but that is a power which, he presumed, Congress will not exercise; but that they then will establish some ratio, by which the increase of representation shall keep pace with the increase of population, until the House consists of two hundred members.

Mr. BOUDINOT was convinced of the propriety of striking out the word "thirty." The House ought to consider what would be an adequate number for doing the business of the Union; and that number ought not to be exceeded, except to answer some very valuable purpose. Business would proceed with difficulty, if the representation was so numerous as it would become by the ratio of one to thirty thousand. The present Representation of the United States is in a ratio very different from that of one to thirty thousand; and yet he thought it fully adequate. From a rough calculation, the ratio of thirty thousand would produce one hundred and thirteen members; thirty-five thousand would give ninety-seven; and forty thousand would produce eighty-one. If the number once settled was to rest there, he would not be over anxious to oppose the increase: but if gentlemen would take into view the increase consequent on the next enumeration, they would find that the number will by far exceed the due bounds.

The increase of expense had been mentioned. He thought it would greatly exceed the calcula-

tion of the gentleman, and, for his part, although he was willing to tax the people for the necessary purposes of Government, yet he would never consent to subject them to unnecessary burdens. Every man must see, that if the number was doubled, it would take almost double the time to do the business, as every member would have an equal right to deliver his sentiments, and thus protract their deliberations.

He thought the people of the United States would be duly represented, and to their entire satisfaction, if the ratio was set higher than thirty thousand; nor could he imagine that such an exact proportion, between the Representatives and the represented, was at all requisite to secure their liberties, or to do the necessary business of Government. This indeed might be the case, if the power vested in Congress was proportionate to their number: but, since the House would possess the same powers, whether it consisted of a greater or a smaller number, he thought the people equally secure in either case. The ratio of thirty-five thousand, which would produce ninety-seven members, would, in his opinion, be a very proper one. If, however, the people should think otherwise, they had it in their power to correct the mistake, by ratifying the proposed amendment. Their not having as yet ratified it, was to him an argument that they thought the ratio too low; or, at least, that they considered the question as doubtful. Some of the States, he observed, have postponed the consideration of the amendment; and eight only have as yet agreed to it. On the whole, the House might safely adopt the ratio of one to thirty-five thousand; for that the increasing population of the United States would ever supply a representation sufficiently numerous to answer every good purpose.

Mr. CLARK observed, that his objection was not merely on account of the pay of the members, but an increase in the representation would bring an additional expense on the people, by increasing the number of public officers; as almost every man would wish to see his friend provided for. The liberties of America could be in no danger from the present ratio of representation. The doors of the House are open, and the people know what their Representatives are doing.

Mr. STEELE was in favor of the motion for striking out *thirty*. In discussing the important subject before the Committee, he observed that there were two inquiries to be attended to: What is the proper number to constitute a Representative body for the United States, and what ratio will leave the fewest fractions in the respective States? One member to thirty thousand, he conceived, would give too numerous a representation. According to the present number of inhabitants, it will almost double the present number; it will divide and diminish the responsibility, make the House too unwieldy, retard public business, and increase the public expenses unnecessarily. An adequate representation, he thought, would be comprised within a much smaller number.

Gentlemen have called our attention to the House of Commons of Great Britain, and the Na-

tional Assembly of France; but, God forbid that we should draw our precedents from such examples as may be cited from European representation.

He was opposed to thirty thousand as the ratio: it would, in fractions, throughout the United States, leave above three hundred and sixty-nine thousand citizens unrepresented. Thirty-five thousand he thought the most eligible number, as it would leave the fewest fractions.

Some gentlemen seem to favor the ratio of thirty thousand, because that number has been recommended by some of the Conventions, in their proposed amendments to the Constitution; but he hoped that no decision would be founded on those subsequent amendments. It would be well to recollect the sentiments of gentlemen in the several Conventions: in many of them, they were agreed to without any wish or expectation that they should ever be taken into consideration, and therefore he thought that no argument ought to be drawn from them: neither ought Congress to be influenced by the example of the State Governments; business is so transacted in most of them, on account of their numerous representation, that there is very little permanency or consistency in their systems. Too numerous an Assembly is perpetually liable to disorder; and, when that is the case, Government becomes contemptible. This consideration had greater weight with him than an additional expenditure of a few dollars. He again objected to any example from Great Britain or France; their Assemblies are too numerous and unwieldy to transact business without confusion; and, compared with what he considered as an adequate number, are mere mobs.

With respect to the proposed amendments, they have not been adopted by three-fourths of the States; and from thence he inferred that they would be finally rejected. He thought the amendment respecting the ratio of Representatives not so good as the original clause in the Constitution, and said he would not hesitate to declare that it ought never to be adopted as a part of it. It has been said that the voice of America is in favor of the ratio of thirty thousand; were this the case, he would obey the voice of America: but he believed that the opinion of enlightened America was that forty or fifty thousand would not be too high a ratio. He should give the preference to either of those numbers to thirty or thirty-five thousand, were it not on account of the fractions that would remain. He concluded by saying he should vote for thirty-five thousand.

Mr. LAURANCE agreed that an adequate number was the great object to be attended to; but he contended that the original motion would give this number more completely than a larger ratio: and it ought to be considered, that, before the next enumeration, it will not be probably more than one to fifty thousand. As to the increase of expense, he observed that the great objects being accomplished, the future sessions will be short; besides which, the compensation of the members may be diminished. But he considered a necessary increase in the expense to be fully counterbalanced by affording greater security to the Lib-

erties of the People. The firmness of a Government depends on a strong Executive; but this Executive should be founded on a broad bottom; and the broader the basis, the more secure is the public freedom under a vigorous Executive.

The existence of the Union may depend on the fullness of the representation. The inequality in the proportional increase of the number of inhabitants in different States, ought also to be taken into consideration; for it is very probable that, in a short time, while some of the smaller States had a Representative for every thirty thousand, others would not have one to forty thousand. He was governed by general principles, and not by any calculations of fractional numbers: the Constitution contemplates the ratio he had proposed, and therefore he hoped the motion for striking out would not obtain.

Mr. GOODHUE observed, that the situation and circumstances of the Government of the United States are so different from those of France or Great Britain, that no parallel could be drawn respecting them. Nor is there an absolute similarity between this Government and those of the State Governments. The objects of legislation which come under the cognizance of Congress, are but few compared with those which engage the British House of Commons and the National Assembly of France. A much larger representation for them, and in our State Legislatures, is therefore more proper, than is necessary for us in the General Government. He doubted the opinion that a large representation was less liable to corruption than a small one: some facts appear to confirm the former sentiment. He did not consider the expense as a material objection, if an increase of the number be necessary to doing more ample justice, or for the greater security of the Liberties of the People; but, as he thought this was by no means the case, he was in favor of striking out "thirty," in order to insert a larger number.

Mr. BARNWELL agreed with the gentleman last up. He should vote for striking out "thirty," in order to substitute the largest number that had been mentioned. Mr. B. entered into an abstract and philosophical discussion of the principle of representation in Government. The leading sentiment was, that a large proportion of Representatives is not necessary to obtain the best objects of legislation, in expressing the will of the people, or to secure the Liberties of the constituent body. The great point, he observed, was, to combine the greatest portion of honesty with a due degree of activity. That number which would comprise a due proportion of these, would be competent to all the purposes of legislation, whether the number for which it legislates is ten thousand, or five hundred thousand. On this principle, he was decidedly against a large number, and in favor of a small one. Adverting to the British House of Commons and the National Assembly of France, with respect to the former, he said, their corruption is, in a great degree, owing to their numbers: as to the latter, he observed, that the National Assembly had acted, in his opinion, politically and

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wisely. They set out with a large representation, in conformity to the sentiments of the people at the moment; but, on experience, finding the number too great, they have reduced it from twelve hundred to about two hundred and fifty. He believed that the general sense of the people was against a large representation in Congress; the inconveniences experienced from numerous bodies in the State Legislatures has led several of the States to lessen the number. He instanced Georgia, South Carolina, and Pennsylvania.

Mr. BALDWIN was opposed to the motion. One Representative for thirty thousand, appeared to him by no means a great representation. The opinion that, of late, had been so often advanced from the press, and in public discussion, for reducing the Representative branch in Government to a small number, he held to be full of dangerous error. He was sensible that the terms great and small were so merely relative in their signification, that it was difficult precisely to understand each other in the use of them. Perhaps they may most properly, both of them, be considered as extremes. No doubt representation, which of late seems to be used as the character of Republican Government, is a great improvement upon Democracy, or legislation by the whole body of the people. He could conceive that a representation might be so large as to partake of the evils of assembling the whole body of the people; but it was a very improbable and not a dangerous extreme: the other extreme was full of danger. These observations acquire much force, when applied particularly to the Governments of this Country: enfeeble the Representative part of them, and you sap the very principles of life. They stand on a different basis from the Governments which have gone before them, and may justly be said to be new experiments in Government; time, as yet, has scarcely given room to judge of the probable issue; but this we may pronounce with much certainty—Let the principles of representation languish, and they have no chance of success.

It had not been found practicable to ground representation in the Federal Constitution upon any other principle than that of numbers; but extent of territory is unquestionably one of the natural principles on which it rests, and should if possible be regarded. One for thirty-four or thirty-five thousand may be deemed a proper representation in the Kingdom of France, or of Great Britain. The four millions which compose the United States, compactly settled where there was great sameness in the country, and pretty equally distant from a common centre, would be properly represented by a smaller number than in their present sparse settlement. But, still further: the settlement of the United States is a fillet stretched along the sea-coast for seventeen hundred miles, comprehending as great a variety of climate and interests as one of the other quarters of the globe. It is difficult to conceive of a situation which calls for a greater extension of the principle of representation.

It has been said, that one for thirty thousand will make too large and unwieldy a body. He

was sensible that was a point that did not admit of being determined by any conclusive reasoning; it was a mere matter of opinion; sound judgment only is to be used, time and experience will come on and confirm or correct the opinion. In such a case, it is wise to inquire how this has been judged of by others who have had a Representative body. In France, one thousand two hundred was not thought too great a representation in forming their National Assembly; and the number established by their new Constitution for their stated Legislature was not two hundred and fifty, as the member last up had stated, but, if he had not been misinformed by the publications in this country, it was nearly seven hundred and fifty.

In the Kingdom of Great Britain, five hundred is not thought too great a representation: and can one hundred and thirteen, which is the greatest number contended for, be considered in this country as a huge and impracticable mass of representation?

It had ever appeared to him to be among the strongest marks of our youth and inexperience, that we grow wise too suddenly. He was afraid this instantaneous wisdom which sprung up so at once, and set at nought, or removed to the extreme of absurdity and folly, the deliberate and tried opinions of the most profound and enlightened among men, in circumstances peculiarly favorable to honest decision, will itself be left by time on that extreme.

And how does this compare with the opinion and experience of this Country in the State Governments? The idea had before been called up, but in his opinion justice was by no means done to the comparison. It had been said, that the States in general had found their representation too large, and were diminishing it. Let another view be taken of the comparison: A state will not suffer the ordinary business of its own internal legislation to be intrusted to fewer Representatives than from one to two hundred, and in some instances more, and yet in the Federal Government they are obliged to submit to a legislation which can much more substantially affect their happiness and prosperity, and perhaps they have there but a single Representative, or at most but five or six. The slightest comparison shows, that there is no manner of proportion between them; that they are irreconcilably distorted. Surely gentlemen of the opposite opinion will not have the effrontery to attempt to draw an argument from that source for diminishing the present representation.

The several State Conventions which had thought proper to animadvert at all upon the Federal Constitution, had pretty uniformly expressed their wish that the representation should be increased. Theorists in Government, so far as he had been informed, had generally given their opinion that this part was too small, and out of proportion. He was as far from venerating mere theories of Government as any man, and was sensible they must adjust themselves to the times and circumstances of the people. But it would not be useless to inquire—How does this appear in practice? He could say, for himself, that it brought

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his own mind to the same conclusion, that it was the part of the Federal Constitution, of all others, most defective and insecure. Thirty-three members had formed the House, seventeen was a majority, and equal to the decision of any question. Questions had already occurred, involving property to the amount of from fifty to eighty millions of dollars, and much of it in the hands of the most daring individuals, rendered desperate by their speculations. He did not say there had been any foundation for uneasy apprehensions from that quarter; but he did say, that in other countries it would be supposed to be a most dangerous experiment upon the passions and imperfections of human nature. But it had been said, and with an unexpected assurance, that increasing the numbers did not increase the security against these evils. If so, why not reduce it at once to the venerable number thirteen; or, indeed, three; which would give us as great a security as the whole body of the people? It is idle to pursue observations on such a point: the mind that can ask for reasoning upon it, can scarcely be supposed in a situation to be benefited by reasons.

The Federal Government, it must be admitted, is in fact pretty highly seasoned with prerogative; practice has already evinced the necessity, in many instances, of increasing it, by devolving much of the Legislative power upon the Executive Department, arising from the difficulty of making particular provisions and details in our laws, and accommodating them to the various interests of so extensive a country.

The other branch of the Legislature has many traits of a perpetual—at least of a very solid constituent part of the Government. He did not mention these as imperfections in the Government; they are perfections, if the other parts can be in due proportion: but it is surely a sound reason against taking positive measures at this time to diminish the Representative branch. For his own part, he was not well satisfied as to the intention. If there is any reason to apprehend that the Government will depart from the point on which it was first placed, he could scarcely suppose that any one could be honestly alarmed with the fear that the departure would be towards Democracy. He concluded, by expressing his hopes that the representation to the next Congress would be fixed at one for thirty thousand, as it had hitherto been, and that the motion for striking out would not prevail.

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

FRIDAY, November 11.

The House met pursuant to adjournment; but as a great proportion of the members were on committees, who were not ready to report, Mr. STEBBS moved that, in order to afford those committees time to prepare and bring in their respective reports, the House should adjourn until Monday next; which motion was unanimously agreed to.

JOHN W. KITTERA, from Pennsylvania, appeared, produced his credentials, and took his seat in the House to-day.

MONDAY, November 14.

A petition of James Jackson, of the State of Georgia, was presented to the House and read, complaining of the undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the said State.

Mr. BALDWIN moved that the petition should be referred to the Committee of Elections. He offered several observations to show the propriety of giving early attention to the business, particularly as the contested election took place in the remotest part of the remotest State in the Union. It was observed that a reference to the committee appointed to bring in a bill for establishing an uniform mode of proceeding in cases of contested elections, appeared to be the most eligible. A reference to the Committee of Elections was objected to, as the subject did not come within their cognizance, as that committee can only determine respecting the certificate, &c., which are required from the Executive of the State to entitle to a seat in the House. A reference to the committee appointed to report a bill was also objected to, as that committee was not authorized to take notice of past transactions, or to report a retrospective regulation. A select committee was mentioned, agreeably to the mode adopted in the two contested elections which occurred in the first Congress; but, it being observed that the petition was unaccompanied with the requisite documents mentioned in it, Mr. B. withdrew his motion, and the petition was laid on the table.

A petition of Moses Hazen was presented to the House and read, praying the settlement of a claim against the United States as an officer in the late army.

Ordered, To lie on the table.

A Message was received from the President of the United States by Mr. Secretary Lear, with a copy of a resolution of the Legislature of Virginia, ratifying the first article in the amendments proposed by Congress to the Constitution of the United States; also, sundry papers relative to a purchase of land on the Great Miami, by John C. Symmes.

Ordered, That the papers relating to the Miami purchase be referred to the committee appointed to prepare and bring in a bill or bills to establish offices for the purpose of granting lands within the territories of the United States.

The petition of Stephen Zachary, merchant of Baltimore, was read, stating that, in consequence of an unintentional error in a bill of sale of a vessel purchased at Port-au-Prince, he had been obliged to pay extra tonnage duties, and praying relief. On motion, this petition was referred to a select committee, consisting of Messrs. FITZSIMONS, HUGER, and GILMAN.

A petition of the distillers of spirits in the town of Baltimore was presented to the House and read, praying a reduction of duties, and farther re-

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vision and amendment of the act passed at the last session, for laying duties upon spirits distilled within the United States. Referred to the Secretary of the Treasury.

The Speaker laid before the House a Letter and Report from the Board of Commissioners for settling the accounts between the United States and the individual States; which were read, and ordered to lie on the table.

A member, in his place, produced certain papers respecting the sale and disposition of the marine hospital in the State of Virginia; which were read, and ordered to be referred to the Secretary of the Treasury, with instruction to examine the same and report his opinion thereupon to the House.

A petition of sundry persons, citizens of the State of New York, who are holders of certain bills of credit emitted under the authority of the late Congress, in the year one thousand seven hundred and eighty, was presented to the House and read, praying that adequate provision may be made for the redemption of the principal and interest of the said bills of credit, and that they may be put on a footing with other public creditors of the United States.

Ordered. To lie on the table.

The House proceeded to consider a Report of the Secretary of War on the petition of Rufus Hamilton, which was made to the House of Representatives the twenty-second of June, one thousand seven hundred and ninety, stating sundry reasons in opposition to the claim of the said Rufus Hamilton. Whereupon,

Resolved, That the prayer of the said petition cannot be granted.

RATIO OF REPRESENTATION.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States.

Mr. FINDLEY declared himself to be in favor of one Representative for every thirty thousand persons. The opinion of the people should be the guide of the committee; that opinion, he conceived, to be in favor of the ratio he had mentioned.

The representation ought as nearly as possible to express not only the will, but to participate in the wishes and interests of the people. A large representation embraces these interests more fully, and is more competent to giving and receiving information. The objects of legislation are such as come home to the doors, to the feelings of every man; the Government ought therefore to secure the confidence of the people by a large representation. The expense he considered as trifling compared to the benefits—and the people expect and are willing to pay for being well governed, and having their liberties secured. An increased representation, is an additional security against corruption. As to delays occasioned by a numerous body, he observed, that the Representatives were chosen to deliberate and to mature every subject before decision; he instanced the advantages derived from the numerous represent-

tations in France and in Ireland; the former had framed a Constitution in two years for twenty-six millions of citizens, and provided for securing the Liberties of their Country—and the latter had proved a successful barrier against the encroachments of the arbitrary power of England. He concluded, by asserting that the voice of the people was in favor of the amendment proposed to the Constitution, which would give one Representative to every thirty thousand persons.

Mr. GILES said this subject had struck him in two points of view: whether Congress are not precluded from exercising any discretion on the subject? and whether, if they are not, it is expedient for them to exercise this discretion at this time? The ratio of representation is a Constitutional, and not a Legislative act. He referred to the Constitution, in which it is said that there shall be one Representative to every State; and secondly, that until the enumeration, the number should be as therein appointed to each State. After the enumeration, the number is mentioned below which it shall not be placed; but there is a negative power to increase the ratio, and from this negative power, a positive discretionary power is inferred. But, he observed, that Congress had precluded itself from a right to exercise this discretionary power, by sending out to the several State Legislatures an amendment on this very subject. This amendment he considered in a serious point of view; and had this idea been attended to at the commencement of the discussion, he conceived that it would have prevented the opinion from being brought forward, whether it was expedient that any change in the ratio of the representation should take place. The idea of one to thirty thousand, he considered as fully settled in the minds of the people; and a change on the part of the Government would indicate a changeable disposition, and a mutability of counsels, which is but another name for weakness.

The sense of the people has been resorted to by gentlemen on both sides of the question. This, if it can be ascertained, is undoubtedly the best guide; and he thought those in favor of one to thirty thousand had with great propriety referred to the Conventions, and to the acts of Congress itself. But the amendments are said to have been a matter of compromise, and were insincerely acceded to by the majority; but even on this ground, he conceived, that the sense of the people was equally as well declared. He, however, differed from gentlemen in respect to the motives which produced those amendments. In the State he came from, both Federalists and anti-Federalists are fully of opinion that further security as to the representation is requisite.

The numerous representations of the States, whatever inconveniences may attend them, plainly show the sense of the people on the subject.

Mr. G. then took a view of the objects of legislation to the State Assemblies, and of those of the General Government. In the former, above one thousand persons are employed, though their attention is confined to their internal police. Those of the General Government, on the other hand, are on the great objects of the whole finance of

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the Union, a sum of more than eighty millions of dollars, &c., &c.

It is said that we shall want abilities, but I should be sorry if a representation of ten times the present number of this House should comprise the abilities of a single State.

He assigned different causes than numbers, for the corruption in the British House of Commons; among these were the frequent mortgages of the funds, and the immense appropriations at the disposal of the Executive, the mode of their elections, &c. A large number is not so easily corrupted as a small body.

An inequality of circumstances, he then observed, produces revolutions in Government, from Democracy to Aristocracy and Monarchy. Great wealth produces a desire of distinctions, rank, and titles. The revolutions in property in this country have created a prodigious inequality of circumstances. Government has contributed to this inequality; the Bank of the United States is a most important machine in promoting the objects of this moneyed interest. This Bank will be the most powerful engine to corrupt this House. Some of the members are directors of this institution; and it will only be by increasing the representation that an adequate barrier can be opposed to this moneyed interest. He next adverted to certain ideas which he said had been disseminated through the United States; and here he took occasion to observe, that the Legislature ought to express some public disapprobation of these opinions. The strong Executive of this Government ought to be balanced by a full representation in this House. He hoped the motion to strike out thirty thousand would not obtain.

Mr. BOUDINOT closed the debate of this day, by a few remarks, reinforcing his former observations in favor of an increased ratio.

TUESDAY, November 15.

Mr. SEDGWICK, from the committee appointed, presented a bill respecting fugitives from justice, and from the service of masters; which was received, read twice, and committed.

RATIO OF REPRESENTATION.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States.

Mr. PAGE addressed the Chair as follows:

Mr. CHAIRMAN: I can no longer refrain from expressing my sentiments respecting the question before the Committee; not only because I wish if possible to remove the error which I think several members, for whom I have the highest respect, have fallen into, but because I feel myself more interested in the question than I ever was in any one I have had to decide on.

Sir, it gave me pain to find those worthy members calculating and coldly applying the rules of arithmetic to a subject beyond the power of numbers to express the degree of its importance to their fellow-citizens. I was distressed, sir, to find that, in their honest zeal for securing order, de-

spatch of business, and dignity in respectability of members in the General Legislature, they used arguments which have been applied in other countries to the establishment of insolent Aristocracies—in some, tyrannical Despotisms—and in others, Kings; those countries which were most on their guard with a semblance of a free Government.

Sir, the errors I wish to correct are these: They think that because it is *proposed*, by a *proposed* amendment to the Constitution, to authorize them to interfere in the business of ascertaining and fixing the ratio of representation to the population of the States, that Congress ought, without any hesitation, to enter on that business; but I humbly conceive that Congress, as this is a delicate question in which their own weight and importance must unite with the weight and substantial interest of their constituents, ought to listen to the suggestions of delicacy, and leave its discussion to a disinterested convention of the States. I say it appears to me no small error to quit the plain path of legislation, marked out for us by the Constitution, needlessly to wander into the field of political speculation respecting its supposed defects.

Let me, therefore, advise to leave the restriction of the numbers of members of this House to the people, or to some future Congress, which can see more plainly than can now be described, the evils of a too numerous representation. By so doing, we shall avoid, if not an improper measure, at least a rash step—at least we shall stand clear of a charge of indelicacy, and deprive our enemies of the triumph they expected in the completion of their predictions, that Congress would never propose any amendments to the Constitution but such as would be subservient to their own views and aggrandizement. Let us not give the enemies of our new Government cause to exult, and its friends to sigh and mourn. Let us not give our friends occasion to repeat what many have said, that so many of our citizens have been led away by theoretical writers on Government, as to render it problematical whether the American States are not at this time as much indebted to the National Assembly for its remains of Republican principles, as France was to Congress, in 1776, for their first ideas of that Liberty which they now enjoy. Let us not, in this moment of general exultation of the friends to the Rights of Man, take a step which may damp their joy, and lead them to fear that Americans, who were foremost in the glorious career of Liberty, have stopped short.

But, sir, granting that we were now sitting in full Convention, convened for the sole purpose of altering that article of the Constitution which respects the number of Representatives, would it not become us to consider rather what was the sense of the members who framed that Constitution, and what was and is the sense of their constituents and our own respecting it, than what may be the result of our inquiries concerning the speculative opinions of writers on the subject of Government, or even the real consequences of the most plausible theories reduced to practice in other countries?

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But, not to take up the precious time of this House with relations of facts to show what was and is the opinion of our fellow-citizens on this interesting subject, I will only state a few arguments which have weight with me as being in themselves evident truths, viz: Our Constitution being framed by the people, and introduced to us in their name, and Congress being the creatures of their will, spoken into existence by the word of their power, for Congress to lessen *their* weight, to diminish their importance, and to exclude them from as full a share in their own Government as can be consistent with the nature of it, and indeed from that share which they claim, must be impolitic and dangerous.

But, granting that the people wished not a greater share in the General Government than is proposed by the amendment, as it is impossible, in a country like the United States, that one man can be sufficiently informed of the opinions, wishes, and real interests of thirty-five thousand of his fellow-citizens, and therefore laws might be enacted contrary to the opinions, wishes, and interests of the people, in which they might nevertheless acquiesce, sacrificing their interests for the sake of peace and quiet to the wills of their Representatives, one thirty-five thousandth part of their own number, what friend to his country would wish to see such a dangerous influence on the one hand, and such a blind submission on the other? How long could an enlightened people remain in such a state of insensibility and torpor? And what might not be the consequence of their awakening from their lethargy? If not an expensive revolution, an expensive repeal of laws. And here I will remark, that the smallest number of Legislators, and they, too, well selected for their wisdom and respectability, if unacquainted with their constituents, might pass well-framed laws, founded on the wisdom of other countries, and yet find them disagreeable to their constituents, and be under a necessity of repealing them; but this could not be the case, if the people had in that Legislature a sufficient number of Representatives on whose fidelity, attachment, and disinterestedness they could rely. This, sir, is a truth worthy of our attention—an ignorance of which, or inattention thereto, I suspect has been the occasion of much political evil in the world. Happily for France, the people had such a number of Representatives in the National Assembly as could engage their feeling, inform their judgment, attach their interest, and establish their confidence in their fidelity and disinterestedness; had that number been much smaller, it is probable France would never have been delivered from oppression by their exertions.

I believe the National Assembly have judged about seven hundred and fifty members sufficient to represent their people, which on a supposition that they amount even to twenty-six millions, will be one Representative for every thirty-four thousand; a larger representation than is proposed by the amendment before us; but, sir, it is not and cannot be the interest or wish of the people at large to have a small representation in Congress

under the present Government. We are told, however, that to avoid expense the people wish it; and that to avoid confusion in this House we should comply with that wish. With respect to the article of expense, I think we may with propriety make use of arithmetical calculations, and to find how much at six dollars per day paid to one Representative it would cost the thirty thousand, divide six hundred cents by thirty thousand, the number of citizens—and we have one-fiftieth of a cent per diem, the expense of each citizen, if to be equally divided amongst them; that is, one cent for every fifty citizens per diem, or which must be the same thing, one cent must be paid by each citizen for every fifty days session of their Representative in Congress. Sir, I have the consolation to find that if our Constitution had one Representative for every fifteen, instead of thirty thousand, they could well afford to pay them, and that if it were even more expensive as to the payment of members, yet the people would most certainly be better satisfied with the laws which they would then have so great a share in framing. The people see that if their interests are not well guarded by a sufficient number of their fellow-citizens, who have a fellow-feeling, a common interest, they may be sacrificed to the ambition of some, or the vanity of others. I trust, sir, that they know too well the high price they have paid for the purchase of their Liberties, to be unwilling to pay a few farthings for the only possible means of preserving them. They see now that the Monarchical and Aristocratical part of Government is to be restrained—the former from absolute tyranny, and the latter from an insufferable insolence, by a very numerous body of the Representatives of the people alone. Americans know, sir, that Monarchical Governments were necessary for the protection of weak, ignorant people, against the encroachments of ambitious and ferocious neighbors; and for the preservation of order amongst themselves: that an Aristocratical form became convenient to protect them against the oppression of tyranny springing up out of Monarchy; that this form was adapted to a small progress in the science of Government, and that these two forms properly checked and controlled by the Democratical form, is still better suited to a general knowledge of that science; that a Representative Government, such as their own is, every part of which is more or less pervaded by the spirit of representation, cannot by any other means be so perfectly secured, as by their having at least as full a share as they have claimed in the Democratical branch of their Government.

I know, sir, that many friends of our Constitution thought that the Convention did not pay a sufficient attention to the interests of their constituents, when they restrained them from having more than one Representative for every thirty thousand citizens. I know that there is a report that the people are indebted to their President, even for this share in their Government; and I believe, sir, if this report be true, that whatever has been so justly said of him, as compared to Fabius, to Hannibal, to Alexander, may be forgotten, when this instance of his wisdom, disin-

terestedness, and attachment to the interests of his fellow-citizens, will be more and more known and applauded, and be forever engraved on the hearts of their posterity. Shall we, then, Mr. Chairman, the direct Representatives of the people, be less attentive to their interest, and that too respecting their share in the deliberations of their own House of Representatives, than the President of their Convention was? I trust not.

I will not pretend to say, however, whether in an Assembly where attempts are frequently made, to carry into effect the projects of Monarchical or Aristocratical juntos, the virtuous struggles of patriotic members may not produce mob-like disorders; but in an Assembly like Congress, where I should suppose no such question can be agitated; none which may not be discussed with temper and decency, such disorder need not be apprehended. I should suppose there would be less danger of animosities and disorderly debates in Congress, amongst twelve hundred members, than in the British Parliament, if it consisted but of one hundred. Where we have all but one and the same great object in view, the happiness of our country, (not the interests of a particular body of men born with privileges insulting to the feelings and rights of freemen, nor the whims of an individual, born to trample on his fellow creatures,) we can have no cause to be dissatisfied with one another.

Surely, sir, unless these gentlemen suppose the members of Congress void of sense, or of every idea of decency and propriety, they cannot suppose that even five hundred members would not be easily restrained within the bounds of order.

Upon the whole, I conclude that neither an apprehension of expense, nor of disorderly debates, ought to induce this Committee to run the risk of being charged with indelicacy, if not of sacrificing the interests of their constituents. I hope, therefore, that the worthy and ingenious members who, by supporting the amendment, have produced a full discussion of the question, will now join with me, and a great majority, in voting against it.

Mr. STEELE said he should not have troubled the Committee again if his observations had not been distorted by the remarks which had been made on them. He hoped that what he should offer on some of the opinions which had fallen from gentlemen in opposition to him would be received with that candor with which he should deliver them. He professed to be as warm a friend to the Liberties of the People as any man, but he differed in his ideas respecting the measures which would most effectually secure them. The present question, he thought, was not particularly interesting to the Liberties of the People, as the point of difference would not make a very great variation in that number of the representative body which appeared to be the most eligible to the majority of the committee. But the principle he contended for, he conceived, had a very important aspect on the stability of the Government. The subject, therefore, should be considered principally with respect to legislation, the great and essential principles of which were involved in the discussion. And here he thought that our own experi-

ence was the best instructor, for the examples quoted from Great Britain did not, in his opinion, apply to this country in all respects; the circumstances of the people of the respective countries being essentially different.

The States, experiencing the difficulties arising from numerous Representative Assemblies, have, in several instances, diminished them. The endless divisibility of power consequent on such numbers, had fully satisfied the people that the want of responsibility was the pernicious effect of a large representation; they are therefore reducing those unwieldy bodies as fast as they can. Pennsylvania appeared to be far happier since the reduction of its Assembly.

A large sphere of representation gave the people a fairer opportunity to select the best characters. They could exercise their own judgments unbiassed and uninfluenced. The trust was greater which was conferred; and in proportion to its magnitude would be the public solicitude that it should not be improperly delegated. Besides which, it is impossible, in a large sphere of representation, for candidates to practise those little arts, so common at elections; nor can they go round and take every demagogue of the district by the hand to secure his vote.

As European examples had been recurred to, he would mention one circumstance which confirmed the justice of his remarks. Those parts of Great Britain which are divided into the largest districts send the smallest number of Representatives—such as London and the county of York. The latter, though containing more inhabitants than the Ancient Dominion, sends only two members to Parliament; and the members of those districts, it is remarkable, have always been the staunchest friends of the Liberties of the People. In noticing the remarks of Mr. GILES and Mr. FINDLEY, he said, that the object of representation was different from that of giving information to their constituents. Legislation was their great business; and not making up weekly large packets to send off to the influential characters in the districts which the members represented on the floor of that House. The people, it is true, have a right to be informed of public measures, and it is the indispensable duty of Government to make provision for that purpose, and this ought to be done through the medium of the post office. This medium is the only competent one, as it will open the way for that general information which is necessary to the security and to the Liberties of the People.

With respect to security from corruption by means of a numerous representation, he still retained his former opinion. He did not anticipate evils from that quarter.

He observed, that, in the warmth of debate, he had before expressed himself with rather more zeal than he wished he had; but, as he thought an undue degree of censure had been the consequence, it was become necessary, in some measure, to justify himself, by citing some examples to show what excesses a very numerous representative body may be guilty of. He then related a fact

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which occurred in Virginia, the Legislature of which, on a certain occasion, had acted in a Legislative, Executive, and Judicial capacity. He also instanced a more recent fact, in the secession from their duty of a considerable body of the Representatives of Pennsylvania. These facts demonstrated that a numerous representative body was liable to a mobbish spirit.

He next adverted particularly to some remarks of Mr. GILES, and concluded by saying, that if the ratio is at this time fixed at 30,000, it must hereafter be increased; in doing which, some serious difficulties may take place, especially in respect to those States whose number of Representatives must, in that case, be reduced. He thought it best, therefore, to agree at the present time on a larger ratio.

Mr. CLARK said, he did not rise to trouble the House with a lengthy discourse, for he had always believed that long speeches answer no valuable purpose. He meant only to offer a few remarks on what had been said in opposition to his former observations, and he hoped that, although the gentlemen contend for the ratio of 30,000 as the only basis whereon to found the Liberties of the People, he should not be stigmatized with the name of an Aristocrat for voting in favor of a large ratio. Hitherto he had not borne that character, and he could not suppose himself yet infected, unless he had caught the disorder since he became a member of the present House. Much has been said about the influence of the Bank, and that bank directors are members of the House of Representatives. The Bank (said he) is public property, and therefore he could not see the force of the gentleman's arguments respecting the dangerous influence of that institution, unless it was that he was displeased at the distribution of the shares, so much of the stock being held at New York and to the Eastward, and so little at Conogochague. In the same predicament he viewed the other objections respecting the influence of speculators; for he did not know that any members of the House were speculators, neither could he see any danger from bribery.

In reply to Mr. FINDLEY'S observation, that more wisdom would be brought into the House by increasing the ratio, he asked whether this would not also bring in more folly? For the probability is, that the ratio of both wisdom and folly will increase with the increase of numbers, and likewise of honesty and dishonesty; and with respect to the smallness of the district, or that it was safer for a small number to send a member than a greater, he was of a different opinion, as he believed that if ever the practice of bribery should come into play in America, it would be easier for a Representative to purchase a small district than a large one. If ever the Liberties of the People are endangered, it will not be by the smallness of the representation, but by the corruption of electors and elections. This is the door which Congress should guard in the strictest manner, and that will secure the people against corruption in the House.

A gentleman from Georgia has observed, that

the disposition of a great many millions of dollars has been in the hands of a quorum of this House, of whom it requires only seventeen to form a majority. On this Mr. C. observed, that the old Congress, which was composed of a much smaller number, were intrusted with the disposal of larger sums, although there were sometimes only two members from the largest State, Virginia, and no complaints were heard of their conduct.

But there is an argument which ought to have weight in the present question. The Senate, although a much smaller body than this House, are fully competent to judge of our proceedings, and of the safety of the country. Indeed, (said Mr. C.,) it appears very evident to me that we are not in want of a larger number in the House of Representatives to debate any question, if it be considered how much has already been said on the subject now before us.

Mr. VINING expressed much surprise that the subject, which to him appeared perfectly definable, should have occasioned the debate to travel so widely from the line marked out by the Constitution. The pendulum seems to vibrate between the numbers 81, 96, and 113; and should that pendulum rest on any one of them in preference to the others, he could not suppose that it would affect the Liberties of America. Why, therefore, all this extraneous argument about a point of so easy decision? We are sent here to administer the Government, the first principles of which are already fixed, so that neither branch can encroach on the other. The Senate, the House of Representatives, the President, have each defined powers; and whilst those remain, I shall always believe the Liberties of America are invulnerable.

Under this impression, Mr. Chairman, I shall vote for striking out 30,000, in order to accommodate the question to a medium. But I shall do this on different principles from some other gentlemen; notwithstanding, I at the same time confess that the ratification of the first amendment to the Constitution ought to govern us in deciding this question. The spirit of the amendment appears to me clearly to imply that we should not suffer the number of Representatives to exceed one for 30,000. I am here, not as a person who shall exercise discretionary opinions, but judge by the letter of the Constitution. And in this case we may increase the number, but we cannot make it less after the enumeration. In the mean time, until that enumeration is complete, the representation remains as it has been hitherto, which I believe may be about one member to every 40,000 or 41,000.

If we go upon theory only, I would enlarge the representation to its greatest extent, and hand down the principle to futurity, in letters of gold, that a very great representation—that Democracy is the very best Government that can possibly be devised, provided it were practicable to give it stability. Next to a Government as free as theory could extend, we have the freest in the world—a Government of representation, which will increase with the population of the country, and the ten new States will always preserve an equilibrium;

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but if you increase it to an extreme, you may render it tumultuous, although it may be safe.

Mr. Chairman, a great deal has been said of the necessity of planting strong guards against the invasions of influential characters. Sir, I fear no corruption; neither can I see the ground on which it can make an entry into these walls. In the British Parliament I will admit that corruption has planted her standard; but that is the natural consequence of a very large representation, and a constitution widely different from ours; and yet, in that body, how many patriots have we not known to hold forth the language of freedom, as loud and warm as in any part of the earth! But to what end would corruption be attempted in this Government, which is in itself perfectly rotatory? The President is elective every four years, the Senate, by interlocations, from two to six years, and the House of Representatives every two years. Then, surely, sir, there is no need of guards to prevent the encroachments of corruption, and the argument is not in the least applicable to the present system of our affairs. The difference between the State Legislatures and the National one affords another security to the citizen. They have the power of life and death, of making laws, &c., and Congress have a concurrent legislation in such affairs as are proper. Election forms another barrier in favor of the Liberties of the People; for, whilst elections are kept pure and free, there is double security.

Calculations have been exhibited by several gentlemen, and I have likewise made one, although not so old or experienced in calculations as some. But I find that all those vibrate between the ratios of 30,000 and 40,000; and it is contended that the people will be better represented by adopting the small ratio, which produces the largest representation. But, sir, how many of the people are there who are not represented? Is the slave? The infant requires nothing more than nourishment from nature. By misapplying calculations, you may narrow down the Government so much as to endanger its dissolution; but if kept in a due medium, you insure safety. The present is a larger representation than either France or England boasts. I wish, Mr. Chairman, to support the State Governments, but I also wish to support the Federal Government.

I cannot, however, see the propriety of comparing this to the Government of Great Britain, although that is called a Government of Representation, consisting of two Houses of Parliament, one of which is elective, the Lords are hereditary, and the King can do no wrong; and it has hitherto been, I believe, the next best Government, after our own, in the world. And yet we know with how much reluctance Ireland obtained a participation of the trade and commerce of Great Britain; although a Flood bellowed forth with the voice of liberty like a Demosthenes, still nothing could induce the British Ministry to give way, until the volunteers effected it. And have we not the volunteers, sir, in this country to protect our rights? Yes, sir, the American volunteers are perfectly competent to this service.

To return to calculation of the ratio of representation. Admitting the State of South Carolina to return 200,000 inhabitants, then the ratio of one to 34,000 will produce one hundred members; if the ratio of 30,000 be adopted, there will be an increase of thirteen members, and afterwards the ratio will be one to every 40,000, until the House shall consist of two hundred members, after which there shall not be less than two hundred Representatives, nor more than one for every 50,000 inhabitants. This, sir, is the spirit of the amendment already adopted by nine States; and shall we not exercise the discretionary power delegated to us, by giving celerity to the measure by a bill? I agree with the gentleman from Pennsylvania, that a trifling expense is no object compared to the security of the people; but I am sorry to hear any thing of locality or the passions of the people introduced for the voice of the people; for, if locality and passion were to govern this House, instead of *vox populi*, we should soon have occasion to term it by another name, the *vox diaboli*.

I am under no apprehensions from the stockholders of the Bank, or the speculators in the funds; for it is their interest to have a wise and good representation. The people who are employed in the more simple path of agriculture, removed at a great distance, are not more interested in the security of the Government than the more informed stockholder. As an example of the discernment of the great commercial people of London and Bristol, I need only mention their choice of a Fox and a Burke, for until a late day Mr. Burke was the champion of the People and the friend of Liberty.

If our Senate should take any unwarrantable stride towards Aristocracy, have we not the power to check them? No President can very well attempt it at any time hereafter; and we are perfectly secure in the present time from all suspicion of corruption.

The State which I represent contains 59,000 inhabitants, and yet I shall feel myself acting in the line of my duty by voting for a ratio of 34,000, as coming nearest to the spirit of the amendment. A due proportion of firmness I think necessary in the Government, and we shall weaken it by any change which is not for the better. I shrink from nothing, sir, but a breach of my duty, and it is not the public voice so much as the public good that ought to be considered.

In reply to the analogy introduced by the gentleman from Pennsylvania, of a road, I will beg leave to mention another. Suppose a pillar was to be raised which could be easily effected by one hundred men, and that two or three hundred were employed, would not this, in the language of the venerable FRANKLIN, be paying dear for the whistle? But this is a subject which I should be sorry to view with a ludicrous face. It is a question of Liberty, wherein the State Governments have an equal share of security; and let the pendulum of the ratio alight either below or above ninety-seven or one hundred and thirteen, there is equal safety. And all that has been said goes to prove that as

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the population increases, we ought to increase the representation in that ratio; and at present I think the number 34,000 will meet the sense of America.

Mr. HILLHOUSE said he had ever been a friend to a Republican form of Government, and God forbid, that he should ever give his vote for any measure that should endanger the Liberties of his Country. He was in favor of an energetic Government, as that alone can secure the blessings of Liberty. As to the dread of corruption in this House, which some gentlemen appeared to entertain, he thought there was no foundation for such an apprehension; at least as the idea refers to one or two hundred Representatives—two hundred he contended, were as easily corrupted as one. But the corruption contemplated was a mere matter of opinion; no facts, he presumed, existed in this country to justify a positive assertion; and as to foreign countries, it seems to be conceded that a larger number than any that has been mentioned is susceptible of undue influence. He then adverted to the restrictions on the President of the United States, and the Senate, in respect to the means of corrupting the Legislature. The Constitution has also made provision to secure the independence of the members, &c. He then urged some difficulties which would be occasioned by a small ratio. He observed that the population of some of the States is nearly stationary: if a small ratio is now established, the consequence will be when it is augmented, that the representation of those States must be diminished. This would be a measure that would be greatly disliked. With respect to the proposed amendment, he thought it was entirely out of the question, till it was ratified by three-fourths of the States. A very numerous representation would tend to weaken, if not destroy the State Governments, and, in the issue, would destroy the General Government. For, said he, they mutually depend on each other for support.

Mr. SEDGWICK rose for inquiry, Whether if the word *thirty* should be struck out, it can be restored? for, though he wished for an increase of the ratio, yet he thought it ought to stop short of forty thousand. He was in favor of making the proposed amendment to the Constitution the rule to guide the House. He had no idea that the Liberties of this country depended on the difference in the representation between one hundred and one hundred and thirteen members. With more than eighteen hundred watchmen, in the State Legislatures, he conceived that the Liberties of this country were perfectly safe—and he never could believe that the people of the United States would ever be slaves. He was sure they never would, so long as they were just to themselves and deserve to be free.

Mr. HEISTER was in favor of retaining the ratio of one to thirty thousand. He stated sundry particulars respecting the very distant local situations of the Representatives of the United States, which rendered it almost impossible for the present number to do complete justice to their respective districts.

Mr. KITCHBLL was in favor of a numerous representation. He thought the amendment proposed to the Constitution ought to be the guide to the House on this occasion. He did not draw his ideas of what should constitute a proper representation, from the examples cited from foreign countries; nor was he actuated by an apprehension of corruption, as more applicable to a small number than to a large one; but when he considered the various objects, views, denominations, professions, callings and interests of the citizens of the United States, he was fully convinced that a large representation was necessary to embrace the wishes and answer the expectations of the people. He should, therefore, vote against the motion for striking out thirty thousand.

Mr. FINDLEY rose to explain certain expressions which he said had been misunderstood. He defended the opinion he had before advanced respecting a large representation. In reply to Mr. CLARK, he observed, that the information to which he alluded when he said that a larger number would enable the Representatives to adapt the laws and proceedings of Government to the circumstances of the country, was that species of knowledge which arises from a more perfect representation of the wants, wishes, and interests of the people.

Mr. GERRY took a general survey of the arguments against the proposed ratio of one to thirty thousand. In noticing the objection from the instability of the State Legislatures, he said it was not owing to their numbers, but to the mode in which they are elected. Were the Senates and Executives of the several States chosen as those of the General Government, there would have been as much stability and consistency in their transactions, as in those of the Government of the Union. A gentleman had said that the proposed amendments to the Constitution had been adopted with reluctance by some of the States which had accepted them. He called on the gentleman to produce his authorities for this assertion. A relative proportion between the members of the House and the Senate had been suggested; this idea had no foundation in the Constitution. And he further observed, that the Constitution has so completely guarded and secured the rights and independence of the Senate, that he could not conceive of the apprehensions of gentlemen, who appear to think that an increase of the members of this House will overwhelm that branch of the Legislature. In all events, the privileges of that body will remain the same. The States, it is said, have reduced their Representative Assemblies. This, so far from being an argument against the proposed ratio, was directly in favor of it. The diminution of the State Legislatures has been occasioned by the idea which the people entertain of the increasing importance of the General Government. The objects of legislation to both Governments are nearly similar; they relate to those important concerns which interest the feelings of every citizen of the United States; all the difference lies in the magnitude of their respective spheres of action. Hence, it must evidently be the wish and expectation of the people,

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that their interests in every point of view, should be fully and adequately represented in this House.

The gentleman from North Carolina has said, that extending the sphere of representation will lead to a choice of more competent characters; but he observed, that the larger the sphere, the less knowledge of the merits of candidates; and the electors will be obliged to vote on trust. The mode of election in Great Britain, and not the number of the members of the House of Commons, is the source of that corruption which has been so frequently alluded to. The mode of election in that country admits of an Executive influence in the election of a majority of the members. This is the rotten part of their Constitution which requires amputation. He did not apprehend any danger from undue attempts to influence or corrupt the members of the House; but, though he admitted that the Government may be untainted at the present time, yet he conceived it the best policy to *prevent* the evil, rather than to wait for a corrupt administration and then to seek for a remedy. The idea which had been suggested, that increasing the Federal representation would tend to diminish the importance of the State Governments in the estimation of the people, he conceived had no foundation. It supposed a want of wisdom in the community at large, which supposition had nothing to support it. The people know that their happiness depends on preserving the balance between the State Governments and that of the Union. The Government of the Union has been justly compared to a pyramid. He wished that the base, which was constituted by the Representative body, might be broad, in order to give it stability; and therefore hoped that the original motion of one Representative to every thirty thousand persons would be adopted.

The resolution being again read, in the following words:

Resolved, That the number of Representatives shall, until the next enumeration, be one for thirty thousand."

The question was taken thereupon and agreed to by the House.—Yeas 35, Nays 23, as follows:

YEAS.—Abraham Baldwin, Egbert Benson, John Brown, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, Daniel Heister, Daniel Huger, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Lorraine, Amasa Learned, Richard Bland Lee, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Upton Sheridane, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Nicholas Gilman, Benjamin Goodhue, William Barry Grove, James Hillhouse, Samuel Livermore, Nathaniel Macon, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, John Vining, and Artemas Ward.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. PAGE

Mr. MURRAY, and Mr. MACON do prepare and bring in the same.

WEDNESDAY, November 16.

Mr. GOODHUE presented a petition from the merchants and distillers of the town of Salem, in Massachusetts, praying a reduction of the duty imposed on spirits of domestic manufacture, and an increase in that on foreign spirits, with sundry other modifications of the law. Referred to the Secretary of the Treasury.

Mr. BROWN presented a petition from sundry inhabitants of the district of Kentucky, praying to be relieved from the operation of the excise law, until they shall have obtained the free navigation of the Mississippi. Referred to the Secretary of the Treasury, so far as it respects a temporary suspension of the excise law.

PUBLIC CREDITORS.

Mr. FITZSIMONS called up the petition of a committee of the public creditors who loaned money to the United States, between September, 1777, and March, 1778, and moved that it should be referred to the Secretary of the Treasury, for his opinion on the prayer of the petition.

Mr. SEDGWICK observed, that the subject of this petition had undergone a decision during the last session, when a petition of a similar nature was presented. Speculation had already taken a sufficiently ample range through the United States; and he hoped no new paths would be opened for its future walks. He would move that the prayer of the petition should not be granted.

Mr. FITZSIMONS said, that the nature of the petition seemed to be misunderstood. He was as little disposed as any gentleman on the floor to innovate in the funding system. He would not undertake to pronounce that the petitioners were entitled to any relief, but he thought the Secretary of the Treasury did not consider this case as provided for under the funding law; in which case, he thought that the wisdom and justice of the House were interested in taking the same into consideration.

Mr. GERRY, after giving the history of the emission of the bills of credit in question, urged the propriety of doing equal justice to every class of the public creditors, and declared in favor of the reference to the Secretary of the Treasury, who would state facts, upon which the House could determine whether or no the prayer of the petition could be granted.

Mr. SEDGWICK thought a sufficient provision had been made; that it was not the interest of the people to proceed any farther; this would only raise passions that were now subsided, but had heretofore been productive of considerable mischief to the country; it would show the people that the House entertained doubts respecting the sufficiency of the provision; speculators would employ all their arts to draw the certificates out of the hands of the present holders; and he left it to gentlemen to determine whether such a scene of speculation would prove advantageous to the country. Besides, he would ask, whether the

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required provision could be made without altering the system already established?

Mr. GERRY observed, that the objection, drawn from speculation, would prove an argument equally valid against funding, and even against the coinage of money, since gamblers would apply the coin to the purposes of gaming. It had been said that many of the certificates in question had been loaned; but he would ask, whether, because a number of persons, not knowing their rights, had yielded them up, an argument could thence be drawn why others, who understood their rights, should not maintain them, or why the former should not be redressed? Ought the Government to take advantage of the ignorance of the public creditors? He hoped not. The former memorial, to which the gentleman [Mr. SEDGWICK] alluded, was very different from the present one, and contained many matters which would have required a total alteration of the funding system.

Mr. LAURANCE saw no necessity for a reference: a knowledge of facts could be obtained from the journals of Congress. As to applying to the Secretary for his opinion, this would only prove a source of embarrassment; better to take it up in Committee of the Whole, or in the House, without a knowledge of his opinion. When the scale of depreciation was applied to the public debt, it was unequally applied, some receiving interest on the nominal, others on the specie value. In the funding bill, it was contemplated that the former class should be allowed such interest up to the close of the last year; and the only question now is, whether any alteration shall be made in the funding bill—whether one class of public creditors shall have a different measure of justice dealt out to them from what others have had? He concluded with a wish that the subject should be taken up in Committee of the Whole.

The question on the reference to the Secretary of the Treasury was then taken, and lost: whereupon,

Mr. LAURANCE moved that the petition should be referred to a Committee of the whole House.

Mr. BOUDINOT was of opinion that the funding system had done ample justice, and that those who complied with it have no reasonable ground of complaint. At the time of the passing the law, it had been said that men would be forced by it to come in and subscribe whether they would or not; a clause was therefore inserted in favor of non-subscribing public creditors, by virtue of which the petitioners who are of the non-subscribing class consider themselves in the same situation as before the law was enacted; but an improper construction has been given to that clause, and therefore it is that the creditors complain. Were any one of them to bring an action against the public officers, he would, in his opinion, obtain redress. They applied to the House for redress, and the question was, whether they should be forced to subscribe, or be entitled to the benefit of their contract? He did not wish that any man should be forced to comply with the terms of the funding system against his will; he would have every man at liberty to accept or reject them at his

pleasure; and he thought it unreasonable that any man should have his six per cent. reduced to four, without his own consent.

Mr. FITZSIMONS thought further information on the subject necessary, and therefore it was that he favored the reference. One circumstance was unattended to by the gentlemen who had spoken on the subject; and that was, that the non-subscribing creditors must deliver up the original certificates before they can receive their interest; but this they do not choose to do, because these certificates bear a promise of interest on the original value, and they would afterwards receive interest only on the reduced value.

The question was then taken on the commitment to a Committee of the Whole, and lost.

Mr. SEDGWICK moved a resolution that the prayer of the petition cannot be granted.

The question being called for, Mr. BARNWELL observed, that he, and probably some others of the new members, were not thoroughly acquainted with the subject; and therefore he wished the question might be postponed. The resolution was, in consequence, ordered to lie on the table.

Mr. LAURANCE then called up a petition of sundry inhabitants of the State of New York, holders of certain bills of credit issued in 1780. Referred to the Secretary of the Treasury, to consider and report his opinion thereon.

Mr. BALDWIN called up the petition of General Jackson, relative to the Georgia election; which, after some debate, was referred to the committee heretofore appointed to report a regular and uniform mode of proceeding in cases of contested elections.

THURSDAY, November 17.

Two other members, to wit: from New York, CORNELIUS C. SCHOONMAKER, and from Pennsylvania, THOMAS HARTLEY, appeared, produced their credentials, and took their seats in the House.

CERTIFICATES OF PUBLIC DEBT.

The House, in Committee of the Whole, proceeded to the consideration of the bill for the renewal of lost or destroyed certificates—Mr. MÜHLENBERG in the chair.

Mr. SEDGWICK moved to strike out the words "lost or," as he thought that the public ought to be secured in cases of lost certificates; and that if any security could be provided, it must be in some mode that was not pointed out in the bill.

Mr. LAURANCE thought the provisions made in the bill were sufficient; that, if an accurate description of the lost certificate was published, and it was in the power of the public officer to discover whether such certificate had been issued, and that sufficient security was given to refund the money to the United States in case the lost paper should again appear, he did not see what inconvenience could result to the public.

Mr. SEDGWICK suggested many difficulties that must arise from the want of checks, from the loaning of certificates, and other circumstances, that would render it impossible to detect frauds. He would wish that those who have unfortunately

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lost their certificates should be indemnified, if this could be done with safety; but, since it appeared impracticable, he thought it better that individuals should suffer than to make a provision for them that must be productive of so much inconvenience to the public.

Mr. J. SMITH allowed that some relief might be afforded in cases of destroyed certificates, and that the United States ought not to avail themselves of their destruction. But since the United States are not to pay the same certificates twice, and the person who receives payment for a lost one must give security, in case of its re-appearance he will be obliged to refund, and thus will gain nothing but trouble by the renewal. On the whole, he thought it best that the bill should extend no further than to certificates that had been destroyed, and therefore was in favor of striking out.

Mr. WADSWORTH also thought it impracticable to guard against frauds, and was in favor of striking out; otherwise, he would be willing to grant relief to the losers of certificates.

Mr. HILLHOUSE observed, that in private contracts a Court of Chancery never obliges to the renewal of an obligation, except when it is proved to have been destroyed; though there is less danger of fraud in transactions between individuals than in the more extensive ones of the United States, he saw no reason why the United States should take so much trouble as must necessarily attend the business of renewal. It would only be holding out an encouragement to negligence in the holders of certificates.

Mr. LAURANCE observed, that descriptions of these certificates, for which a provision was now contemplated, being lodged in the Treasury, sufficient information can there be obtained to guard against imposition; that a Court of Chancery will order the renewal of a bond, even when its destruction cannot be positively proved; and that since the United States would suffer no loss or inconvenience, he wished to afford relief to unfortunate individuals.

Mr. SEDGWICK observed, that it would be very difficult for a public officer to ascertain the truth respecting a certificate that might have been issued in Georgia, paid into the sub-Treasury, thence re-issued, and transferred, perhaps, from one extremity of the United States to the other; besides, when a number of certificates have been loaned, and one new certificate given for the aggregate sum, how can the officer determine whether a certificate, said to be lost, may not have been one of the number?

Mr. HILLHOUSE did not think one instance could be produced of relief, given by Chancery in cases of lost securities, except where the debtor had surreptitiously got possession of the papers.

Mr. LEE was against striking out; and, as additional security to the United States, wished that such as might be found guilty of frauds respecting lost certificates, should be subject to a penalty.

Mr. GILES, though not at all satisfied with the principle of the bill, wished to have it as unexceptionable as possible, in case it should pass; wherefore, from the impracticability of at once giving

relief to the unfortunate losers of certificates, and at the same time securing the United States, he was in favor of striking out.

Mr. BARNWELL thought the security provided in the bill by no means sufficient; would have the original certificate of no avail in case of renewal, and wished the renewal not to take place for two or three years.

The question was then taken on the motion for striking out, and passed in the affirmative.

Two other amendments were proposed and carried, extending the time for the renewal and issuing of the certificates; after which, the committee rose, and reported the bill with amendments. The House proceeding to take the same into consideration, some opposition was made to the one that excluded the lost certificates; and, before the question could be taken on it, the House adjourned.

FRIDAY, November 18.

Mr. PAGE, from the committee appointed, presented "a bill Apportioning the Representation of the people of the United States according to the first Enumeration;" which was received, read twice, and committed.

The Speaker laid before the House a Letter from the Treasurer of the United States, covering his account of indents of interest received and issued from the first of July to the thirtieth of September, one thousand seven hundred and ninety-one, inclusive; which was read, and ordered to lie on the table.

Mr. LIVERMORE, from the standing Committee of Elections, to whom was referred the Letter from the Executive of the State of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State, and also a certificate of the election of JOHN FRANCIS MERCER, in the room of the said WILLIAM PINKNEY, made a report; which was read, and ordered to lie on the table.

A memorial of the commissioned officers serving in the army of the United States, was presented to the House and read, stating the inadequacy of their pay, subsistence, and forage, under the present establishment, and praying that the same may be augmented. Referred to Mr. LAURANCE, Mr. WILLIAMSON, and Mr. KITCHELL, with instruction to examine the same, and report their opinion thereupon to the House.

Mr. AMES, from the committee to whom was referred the petition of James Jackson, complaining of an undue election and return of ANTHONY WAYNE, a member returned to serve in this House for the State of Georgia, made a report; which was read, and ordered to lie on the table.

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The House then proceeded to the consideration of the amendments proposed by the committee, to the bill for the renewal of lost or destroyed certificates.

On the first amendment for striking out the words, "or lost,"

Mr. LEE expressed a wish to provide for the

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renewal of lost certificates; but he would qualify that provision, by particularly designating what kind of lost certificates he meant, viz: such only as from strong presumptive evidence appear to have been destroyed. In any other case, where a man sees that he cannot expect a renewal, he will give himself no useless trouble on the occasion; and when the law is explicit, he will have no occasion to consult a lawyer. The House, he observed, ought not to make laws to be construed by lawyers, but to be understood by the people. He proposed to amend the amendment, by retaining the word "lost" and striking out "or destroyed," adding at the end of the clause a proviso, that the claimant, before he should be entitled to a renewal, should furnish strong presumptive evidence of the destruction of his certificates.

Mr. SEDGWICK declared himself at a loss to understand the object of the proposed amendment. If the House undertook, in this instance, to define what species of evidence should establish the fact, he saw no reason why they might not do it in every other instance. This was never attempted by any Legislature; and the attempt, if made, would tend to embarrass all kind of investigation, and involve the legal code in obscurity.

Mr. LEE was equally desirous with the gentleman last up to have the laws intelligible to every individual. He had no idea of entering into a detail of the evidence. He meant no more, than that strong presumptive evidence should be admitted as a proof of the destruction of any certificate.

Mr. CLARK apprehended, from the turn which the debate had taken, that the grand object of attention would be lost in the word "lost." There was but a single instance to be found in any nation, of such a provision as was now contemplated; it is not, nor ever was made by any bank; when Congress heretofore made such a provision, it was at a period when war raged through the country, and it was a piece of necessary policy to keep the people in good humor, by renewing their certificates, which had been destroyed by the enemy in burning their houses; but as no such reason exists in the present day, he hoped, if the bill should pass, the report of the committee would be adopted, as the lesser of two evils; for, as to his part, he did not wish to see any provision made at all.

Mr. KITCHELL wished to retain the word, "destroyed," in preference to "lost," in case the bill should pass. He thought, however, that the House would act wisely in avoiding to establish any general rule for such cases, and keeping them individually under their own immediate inspection.

The question being taken on the first amendment of the committee, and carried; and the other amendments being severally considered and agreed to—

Mr. GERRY objected to the passing of the bill in its present, or in any other form. He did not wish to take advantage of the misfortunes of those who had lost their evidences of the public debt. He wished to give every individual an opportunity of recovering his right, so far as that could be granted consistently with the interest and security of

the nation at large. The mode pointed out in the bill, he considered as liable to many objections. To ascertain facts, it would be necessary that the claimants should have an opportunity of recurring to the records; thus, whoever might be disposed to embark in a fraudulent speculation would be enabled to ascertain what certificates were lost, and to concert plans for their recovery; he may apply to any District Judge, or Court of Record, and there make declaration that he has lost those certificates; in consequence of which, a warrant will be issued for their amount; it will never be in the power of the Commissioners of Loans, or of the Judges of Record, dispersed through every part of the Union, to detect such frauds during the late war. Many public officers had, together with their baggage, lost numbers of certificates, the amount of which was afterwards allowed to them; and it would now be impossible, from an examination of the files, to identify those certificates. Many persons, also, who were opposed to the Revolution, wantonly destroyed the public securities. The amount of the certificates lost and destroyed had never been ascertained; and it was impossible to foresee the extent of the bill. It would, in fact, amount to a premium for perjury and fraud.

Mr. G. further objected to the bill, as holding forth a strong temptation to the public officers to enrich themselves by fraudulent means, on the strength of the non-existing certificates. He entertained as high an opinion of the integrity of the public officers employed under the Federal Government as any gentleman on the floor; but was, nevertheless averse to placing their interest and their duty in opposition to each other. Moreover, he could not see what good purposes would be answered by the bill. If it was intended to prevent individual applications to Congress, it would not produce that effect; it does not provide for all cases; and those that remain unprovided for must still come before the House. If saving time was the object, the time consumed in such business would not protract the session a single day. The amount of the lost certificates cannot be ascertained; it may possibly be very considerable; and the Treasury may be drained of large sums, without any advantage accruing to the rightful owners of such securities. If the applications were directly made to Congress, some gentlemen on the floor would no doubt be acquainted with the characters of the applicants; and the public will be much better pleased to see the fate of such petitions decided by both Houses of Congress than by a District Judge.

The act of the old Congress, he observed, extended no further than to loan-office certificates; and when Congress made such a provision, it was at a period when they found it necessary to exonerate themselves from such matters, that they might be more at liberty to attend to business of greater importance. Their example, he hoped, would not now be followed, as there does not now exist the same plea for the adoption of such a measure. He hoped the House would proceed in the usual train of receiving the individual petitions, and severally deciding upon them as heretofore,

rather than subject the citizens of the United States to a tax, of which it was impossible to foresee the amount. To such a risk he would prefer a grant of a million of dollars to be divided among the applicants.

Mr. WADSWORTH opposed the bill, as inadequate to either of the purposes which it was intended to answer, viz: that of doing justice to the public, or of easing Congress from repeated applications. A gentleman, in the course of the discussion, had compared the bill to a child; for his part, he thought it a very rickety child, and hoped the bantling would not be adopted.

Mr. SEDGWICK said, that he had entertained doubts, whether certificates destroyed in any way, ought to be renewed; but if a renewal was thought expedient, he looked on the mode proposed in the bill as preferable to any substitute that had been offered in lieu of it. The gentleman last up had said that it would not prevent applications to the House. If further extended, it would have that effect; and he would very willingly concur with gentlemen, if they wished to extend it; but he doubted much whether they could do it effectually. If the remedy contemplated in the bill was to be applied only in cases where the certificates had been destroyed, he thought that ample provision was made for every possible case of that kind. Should the bill, therefore, pass into a law, applications to the House ought no longer to be admitted, except in cases of a very singular nature. As to the greater degree of caution that was expected from the Representatives of the people, than from the officers, he would observe, that the members of that House were men of like passions with the rest of mankind; that their responsibility is more diffusive, and they would not perhaps feel themselves, as a body, sufficiently interested in these smaller matters, when their attention is engaged by objects of greater national importance; whilst, on the other hand, individual members, feeling themselves interested within the sphere of those who come in contact with themselves, a kind of phalanx is formed in favor of the applicant.

As to the loss of time, which was alleged to be trifling, he observed, that only two petitions of this kind had as yet been presented to the House, and each had consumed a day; as to a fraudulent application of evidence to lost certificates, this could be equally practised in petitions to Congress, since the evidence is not to be brought before the House, but must be taken at home. As to the temptation which was said to be held out to the Commissioners, he would observe, that if the House could not confide in an officer to transact their business, they must become so suspicious as totally to impede the transaction of all business. On the whole, he thought that as good checks were provided as the nature of the case would admit of; and that if something like the principle of the bill were not adopted, lost certificates ought not to be renewed at all.

Some further remarks were made by Messrs. DAYTON, GERRY, WADSWORTH, WILLIAMSON, SENNEY, and LEE; after which,

The question was taken on the engrossment of the bill, and lost. So the bill was rejected.

MONDAY, November 21.

A petition of Jason Wate was presented to the House and read, praying the commutation of half pay as a Major in the army of the United States during the late war. Referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. WADSWORTH, from the committee appointed, presented, according to order, a bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States; which was received, read twice, and committed.

The House proceeded to consider the report of the committee to whom was referred the petition of James Jackson, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia: whereupon,

Ordered, That the said report be committed to a Committee of the Whole House.

The House proceeded to consider the report of the standing Committee of Elections, to whom was referred the Letter from the Executive of the State of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State; and also a certificate of the election of JOHN FRANCIS MERCER in the room of the said WILLIAM PINKNEY. Whereupon,

Ordered, That the said report be committed to a Committee of the Whole House.

The House resolved itself into a Committee of the Whole House on the bill apportioning the representation of the People of the United States, according to the first enumeration.

Mr. MACON moved that the first section be amended, by inserting the word "five" after the word "thousand."

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Mr. BOURNE (R. I.) observed that the gentleman did not advert to the amendment to the Constitution, which proposes that the number of Representatives shall amount to one hundred. This amendment will most probably be accepted, and then we shall have to repeal the proposed law, should it be enacted. He was in favor of thirty-four thousand, because that would be conformable to the amendment—and he saw no good reason why the representation should exceed one hundred. That number will be fully competent to express the wills, wishes, and ideas of the people, and he saw no necessity to burden their constituents with the additional expense of thirteen additional members.

Mr. MACON said he did not conceive that the amendment referred to was to be a guide to the House till it was fully ratified; and, as it was uncertain whether it ever would be, we ought not to be swayed by it on this occasion.

Mr. SEDGWICK expressed himself in favor of thirty-four thousand, as it was the opinion of the people from that part of the country which he represented, that the number of Representatives in this House should not exceed one hundred.

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Mr. LAURANCE said, that the question had been so fully debated, that he did not think the opinion of a single member would be changed by all that can be said. He wished therefore that every proposed amendment should be put, and the question taken on each with as little debate as possible.

Mr. WHITE advocated the clause. He was in favor of one Representative to thirty thousand persons. The question now is, whether the people shall have that share of influence in the Government to which they are entitled by the Constitution, which plainly contemplates one Representative for every thirty thousand persons. He wished to preserve the independency of the several parts of the Government. Corruption has been mentioned. He wished it might never take place; but the present, he conceived, was the time to guard against it. He would not say that any undue measures had ever yet been taken to influence the House; but that it was the wish of some to innovate, was apparent, from some attempts which had been made to increase the importance of the Executive—from the predilection for titles and distinctions which the journals of the Senate would show still existed. He hoped that the proposed ratio would be established, as more consonant to the spirit of the Constitution than any which had been mentioned. The independence of the Senate cannot be affected by the number of this House—they will always have a negative on our acts.

Mr. DAYTON said, that he should be in favor of the amendment, not because it was a number the most agreeable to him, for he confessed that even this would have produced a more numerous representation than he could have wished; but because a greater number would be less likely to meet the approbation of the committee. He agreed with the member from Virginia, (Mr. WHITE,) in one of his declarations only, which was, that this question was of greater moment than the gentleman who advocated thirty thousand (the largest representation) seems to have conceived. He agreed with the gentleman from New York, (Mr. LAURANCE,) that this subject had undergone a pretty full discussion; but he at the same time believed that some new light might still be thrown upon it. There was one point of view, Mr. D. observed, in which it had not yet been exhibited by any gentleman in the course of debate, but in which, on account of its magnitude and importance, it ought to be critically examined. The Senate were considered as the Representatives of the States, or of the State Governments. The House of Representatives were supposed to contain, under certain qualifications, a pure representation of the People. Such was the apportionment of its members with respect to the unequal districts or States into which this country is divided, as to give the three great States a very predominant influence upon that floor. They had only to combine their strength, and to associate almost any one of the other eleven States with them, in order to insure success to any favorite project that they might have in view. He was aware, that it would be answered by gentlemen, that such combination was not likely to take place between States so dis-

tant in point of situation, and differing in local interests and circumstances. He had been ever slow in the prediction of evil; but, reasoning from the temper and disposition of man, and judging from past observation and experience, he would venture to pronounce, without any pretensions to the spirit of prophecy, that the great States would thus combine their influence, whenever they should deem it for their advantage, and that the interests of the other States would of consequence become the sacrifice. Those States then that are thus exposed, of which number he considered at least two-thirds of those which now formed the Union, would find their only security and protection against the effects of such combination in the Senate. Would it, he asked, be consistent with prudence or with safety, for those very States to assent to a measure directly tending to weaken, if not destroy that security? Even now, he said, the Senate would have need of all its firmness in continuing to oppose any act, in the carrying of which the House should be determined to persevere. But what, he inquired, would be the consequence, when the increase so ardently wished for by many gentlemen should have taken place? Would the Senate have fortitude enough, even where they thought they had just cause, steadfastly to counteract the will and determined purpose of a body consisting of two hundred members, boasting to derive their appointments from a purer, and from the purest source, calling themselves the Representatives of the great body of the people, and professing to speak the sense of their constituents?

Let thirty thousand be adopted as the ratio of representation, and he hesitated not to declare that whenever the Representatives should think proper to resolve any important point of dispute into a question of firmness between the two Houses, the Senate must yield to their superior weight and shrink from the unequal contest. In the event of their defeat in a single instance, the independence of that branch would be materially affected, and the Legislative balance shaken in its centre.

These dangers, Mr. D. further observed, were by no means imaginary, but would too soon be realized, if the House continued to increase by fifties in the manner they are beginning. If the motion under consideration for increasing the ratio, and lessening the number of Representatives, should prove unsuccessful, their reliance would then be upon the Senate. That body, he was sure, was too mindful of their own privileges and importance, to make a voluntary and deliberate surrender of their independence. They were too regardful of the interests of their constituents, to assent to an act giving an undue weight to that branch of the Legislature in which the great States had such unreasonable influence. If, however, in this his last reliance, he should be disappointed, and the bill be likely to pass both Houses, he hoped the yeas and nays would be entered upon the journals, that it might be known hereafter, when the events he had predicted should have taken place, who it was that had thus given up the Union to the control of three or four of its members—who were the men that had voted for the extraordinary

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increase of one branch, at the expense of the independence of the other, and thereby destroyed that equilibrium of the Government, upon the preservation of which, the fairest hopes of its well-wishers were founded.

Mr. GERRY contended that the Constitution was misconstrued by the gentleman from North Carolina; and in reply to the gentleman from New Jersey, he said he was surprised to hear the remarks which he made, when he recollected his being a member of the Convention—in which, it must be remembered by that gentleman, the larger States consented to placing the small States on a par with them in the Senate, to obviate the difficulty which the smaller States objected against the larger representations from the larger States. He said the independence of the Senate is secured by the Constitution—and he was not apprehensive that the increase proposed would overwhelm that branch of the Government, or lessen their importance, or shake their firmness. The gentleman had talked of combinations in the larger States; but he presumed no facts could be produced to support such an apprehension. The proposed increase in the representation is founded on the principles of justice and equity: it is strictly agreeable to the spirit and design of the Constitution, which contemplates an increase in some degree proportionate to the increased population of the States. He hoped, therefore, that the Constitution would be fairly and honorably carried into effect.

Mr. BOUDINOT was not yet convinced, from all the arguments he had heard, that by increasing the number of Representatives to one hundred and thirteen, as proposed by the bill, the wants, wishes, and interests of their constituents, would be more fully embraced, than by adopting the amendment then under consideration. It had not yet been taken into the account, that a certain species of property in three or four of the States [slaves] would be represented in the next Congress, if the bill passed, by at least twelve members, above the proportion of other States, whose property (though of superior value) was not entitled by the Constitution to any representation at all. That he did not mean to find fault with the Constitution in this respect, but to make it the rule of his conduct—although in the construction of it, he would not increase the evil when two extremes were given, and the intermediate number was optional. He had said, and he rested on the Constitution for the proof, that it contemplated one member for each State as the lowest, and the ratio of one for thirty thousand persons as the highest number. That the Convention in settling the present House of Representatives, without a precise knowledge of the amount of the citizens of the Union, had done it in a certain proportion to the number of Senators, which he had thought a good rule to go by, till the proposed amendment to the Constitution was ratified by three-fourths of the States; but as gentlemen seemed to think that this would soon take place, he had consented to agree to the ratio of thirty-four thousand, which would give one hundred members. This would accord with

the spirit of the amendment to the Constitution, and prevent the necessity of passing any other act when the amendment should be completed. He was therefore in favor of inserting *four* after “thirty,” or any ratio that would confine the number of Representatives to one hundred, or under.

Mr. LAURANCE remarked, in answer to Mr. DAYTON's objections, that the States were disproportionate respecting territory, and consequently were so as to the number of the people. That an equality would take place amongst the people of the several States by the ratio proposed, although more members would come from some States than from others. He mentioned that every member of the House of Representatives stood in relation to the people of America, and ought to consult the interest of the whole, and not the particular interest of the State in which he was elected. Should this general principle operate, and which he supposed ought to actuate each member, no danger was to be apprehended from a combination, as the general good was the object of consideration. If this should not be the prevailing principle, it might be the interest of the States to have as great a number of Representatives as could be obtained; yet he supposed, unless a division of territory took place, the people in each State would be entitled to be represented in proportion to the numbers in each, and the danger that it was supposed would exist, could not be readily remedied. He also observed, that he imagined the Senate would not be subject to the influence suggested. The Senate was an independent part of the Legislature, and would decide all questions that came before them, as the judgments of the members will dictate. So long as a reciprocal negative existed, as to the acts of either branch of the Legislature, he hoped we should find firmness in each to decide properly. The Senate had frequently rejected the bills of the House, and had amended others—some very important ones—and the influence of the members of the House of Representatives did not operate on their decisions. The objection to the proposition not being agreeable to the amendment proposed to the Constitution, was unfounded. He explained his ideas respecting the nature of the amendment, and concluded that the proportion was conformable to it; and observed, that the nature of the amendment was contemplated, when the proposition respecting the ratio was made.

The committee now rose, reported progress, and had leave to sit again.

TUESDAY, November 22.

A memorial of the committee of the counties of Washington, Westmoreland, Fayette, and Alleghany, in the State of Pennsylvania, was presented to the House and read, stating their objections to an act, passed at the last session, imposing a duty on spirits distilled within the United States, and praying that the same may be repealed. Referred to the Secretary of the Treasury for his information.

Mr. LAURANCE, from the committee appointed, presented, according to order, a bill making appro-

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priations for the support of Government for the year one thousand seven hundred and ninety-two; which was read twice, and committed.

A remonstrance of the people called Quakers, in the State of North Carolina, was presented to the House and read, stating their objections to certain provisions of a bill now depending, entitled "A bill more effectually to provide for the national defence by establishing an uniform militia throughout the United States."

Ordered, That the said remonstrance be referred to the Committee of the Whole House, on the bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States.

The Speaker laid before the House a Letter from the Secretary of State, accompanying his report on the petition of Jacob Isaacs; which was read, and ordered to lie on the table.

REPRESENTATIVE FROM MARYLAND.

The House resolved itself into a Committee of the Whole House on the report of the standing Committee of Elections, to whom was referred the Letter from the Executive of the State of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State; and also a certificate of the election of JOHN FRANCIS MERCER, in the room of the said WILLIAM PINKNEY.

The law of the State of Maryland regulating elections being called for, was produced and read; by which it appeared that the Governor and Council of that State were authorized to fill up vacancies in the representation of that State in Congress.

Some objections having been offered against accepting the report,

Mr. SENEY observed, that the case appeared to him to be so plain that he was surprised to find gentlemen objecting to an acceptance of the report of the committee. He then stated the whole process of the business, in the resignation of Mr. PINKNEY and the election of Mr. MERCER, in which the law of the State had been strictly adhered to. He concluded by saying, that two cases in point had already occurred in the State of Connecticut, and no difficulty respecting them had taken place in the House.

Mr. GILES said, that he was a member of the select committee which had made the report; and, from an accurate attention to all the circumstances of the case, he was led to think the report a very improper one. From recurring to the Constitution, he was of opinion that a resignation did not constitute a vacancy. The Constitution speaks only of vacancies in general, and does not contemplate one as resulting from a resignation. Adverting to the British House of Commons, he observed that in that body there could be no resignation. This is an established principle. The people having once chosen their representatives, their power ceases, and consequently the body to which the resignation ought to be made no longer exists. From the experience of the British Government in this respect, he argued against a devi-

ation from this rule. He showed from the Constitution, that the Executives of the States who are empowered to fill vacancies, are not at all authorized to declare the existence of such vacancies; for, if they are to judge in the case, the whole power is invested in them of determining the whole business of vacancies—an idea that materially and essentially affects the privileges of the members of the House. He remarked that, even by the law of Maryland, the requisite steps had not been pursued by the Executive of that State. He concluded by saying that, if the principles he had advanced were just, he hoped the report would not be accepted.

Mr. SMITH (S. C.) had had his doubts on the report; but, on more mature consideration, he was convinced that on account of the inconvenience which would result from rejecting it, and from other considerations, it was proper to adopt it, but not without a full discussion. He then stated some particulars to show that the vacancy which had occurred on this occasion could not properly be called a resignation. Mr. PINKNEY had never taken his seat, nor the requisite oath. He said that there was no analogy between the Parliament of Great Britain and this House; the mode of issuing the writs originally, and of filling up vacancies, is essentially different. No parts of the Constitution prohibits a member from resigning, and for convenience it ought to be concluded that he may resign. The public interest may suffer extremely in cases of sickness or embarrassments, which may prevent a member from attending. This argument from the body's not existing to whom the resignation ought to be made, will apply to the President of the United States, whose resignation is expressly mentioned in the Constitution. The objection urged from the Executives of the States judging of vacancies, he conceived had no great force, for Congress would finally judge in every case of election. It is uncertain how the practice of the British Parliament originated. *Blackstone* says nothing of resignations. When a member wants to resign in that Legislature, he gets appointed to some fictitious office which disqualifies him from sitting in the House. He thought it best to establish some precedent, rather than oblige members who may wish to resign to have recourse to some familiar method, by accepting of some appointment in the State which is incompatible with a seat.

Mr. MURRAY said he was in favor of accepting the report, both on account of propriety and convenience. Vacancies may happen from various causes—by resignation, by death, or by expulsion—the Executive of the State is the proper judge in the first case. He stated certain differences between a resignation after a person has taken his seat, and a resignation before that event. In the former case, Congress will of course give notice to the Executive of the State; in the latter, the Executive alone can take cognizance of the resignation. He stated the extreme inconvenience which would result from the ideas of the gentleman from Virginia, as it would respect the State of Georgia. He then stated several particulars to

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show that Mr. PINKNEY was not a member of the House agreeably to the Constitution, and therefore the House cannot proceed with him as one. He said that we ought to be willing to derive information from the experience of every country; but he conceived that no precedents could be drawn that would apply in the present case from a country which had none, to one which had a Constitution that so clearly defined and guarded the rights of the citizens. The custom which had been mentioned as obtaining in that country, arose from a wish to prevent a frequency of elections. From what had been offered by the gentleman from South Carolina, and the ideas he had suggested, he hoped the committee would be induced to accept the report.

Mr. WILLIAMSON said, that it appeared to him that the Constitution contemplates that a member may resign. He read the clause, which says that no member of the Legislature shall accept of an office made *during the time* for which he was chosen—from hence he inferred that resignations were clearly contemplated.

Mr. GERRY said, that he had heard nothing to show that Mr. PINKNEY had ever accepted of his appointment, and therefore it ought to have been expressed that he had declined; but, granting he had resigned after accepting his appointment, he asserted that nothing had been offered to prove that resignations might not take place in one House as well as in the other; and the Constitution plainly expresses that a Senator may resign. The House of Commons originated with the Kings, who formed that body to control the Lords; and hence arose the prohibition against resignations, as they would weaken the body, and the expense of a new election would fall on the King. With respect to the Executive declaring improper vacancies, he observed that Congress was invested with full power to control the Executives of the States in respect to such declarations.

Mr. SENEY observed, upon a distinction made by Mr. GILES between a resignation on the part of a Senator and a Member of the House, he supposed a resignation in either would equally vacate a seat, and that no difference did really exist.

Mr. SEDGWICK observed that, if a power of adjudication was vested in the Executives of the States to determine on a vacancy in cases of resignation, it would involve this consequence, that a power of judging of vacancies in all possible cases would be the necessary result. He thought the proposition involved the most serious effects with respect to the privileges and independency of this House.

This subject was further discussed the next day, and ended in an acceptance of the report of the committee, which was in favor of Mr. MERCER'S election.

The House again resolved itself into a Committee of the Whole House on the bill apportioning the Representation of the People of the United States according to the first Enumeration, and after making several amendments thereto, the committee rose and had leave to sit again.

WEDNESDAY, NOVEMBER 23.

A memorial of the people called Quakers, in the State of Virginia, was presented to the House and read, stating their objections to certain provisions of a bill now depending, entitled "A bill more effectually to provide for the national defence by establishing a uniform militia throughout the United States."

Ordered. That the said memorial be referred to the Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States.

APPORTIONMENT BILL.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill apportioning the Representation of the People of the United States according to the first Enumeration: whereupon, the first amendment being under consideration in the words following, to wit:

"Section first, strike out from the word *That*," after the enacting clause, to the end of the second section, and insert:

"From and after the third day of March, one thousand seven hundred and ninety-three, and until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, four; the State of Massachusetts, fifteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, eleven; the State of New Jersey, five; the State of Pennsylvania, fourteen; the State of Delaware, one; the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, eleven; and the State of Georgia, two members:"

A motion was made, and the question being put, to amend the said amendment by inserting between the words "thirty" and "thousand," in the fifth line, the word *four*,

It passed in the negative—Yeas 21, Nays 38, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Aaron Kitchell, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, and Artemas Ward.

NAYS.—Abraham Baldwin, Egbert Benson, John Brown, William Findley, Elbridge Gerry, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Daniel Huger, Israel Jacobs, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridine, Thomas Sumpter,

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Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

And then the main question being put, to agree to the said amendment as reported,
It was resolved in the affirmative.

The second amendment, in the words following, to wit:

"Section third, strike out from the word "That," at the end of the enacting clause, to the end of the bill, and insert:

"The President of the United States, as soon as the Marshal of the State of South Carolina shall have transmitted to him returns pursuant to the provisions by law for an enumeration of the inhabitants of the United States, shall cause the Executive of the said State to be notified of the number of Representatives to be elected within the said State, according to the proportion aforesaid,"

being read, was, on the question being put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

MARYLAND REPRESENTATIVE.

The House again resolved itself into a Committee of the Whole House on the report of the Standing Committee of Elections, to whom was referred the letter from the Executive of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State; and also a certificate of the election of JOHN FRANCIS MERCER, in the room of the said William Pinkney; and, after some time spent therein, the Chairman reported that the committee had again had the said report under consideration, and made an amendment thereto; which said report and amendment were twice read and agreed to by the House, as follows:

"It appears that, at an election held for the State of Maryland, on the first day of October, one thousand seven hundred and ninety, William Pinkney was duly elected a Representative for that State, to serve in the House of Representatives of the United States; that the certificate of his election has been duly transmitted by the Executive thereof, and heretofore so reported by your committee; that, by letter, dated the twenty-sixth of September, one thousand seven hundred and ninety-one, directed to the Governor and Council of that State, William Pinkney resigned that appointment; and that, in consequence of such resignation, the Executive issued a writ for an election, to supply the vacancy thereby occasioned, and have certified that John Francis Mercer was duly elected, by virtue of that writ, in pursuance of the law of the State of Maryland in that case provided.

"*Resolved*, That it is the opinion of this committee that John Francis Mercer is entitled to take a seat in this House as one of the Representatives for the State of Maryland, in the stead of William Pinkney."

THURSDAY, November 24.

Mr. DAYTON, from the committee appointed, presented a bill to extend the time limited for the

settlement of the accounts of the United States with the individual States; which was received, read twice, and committed.

Mr. WHITE, from the committee appointed, presented a bill to regulate trade and intercourse with the Indian tribes; which was received, read twice, and committed.

APPORTIONMENT BILL.

An engrossed bill, apportioning the Representation of the People of the United States, according to the First Enumeration, was read the third time, and the question being put that the said bill do pass, it was resolved in the affirmative—yeas 43, nays 12, as follows:

YEAS.—Messrs. Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, William Findley, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Joshua Seney, William Smith, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Elias Boudinot, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, Samuel Livermore, Nathaniel Niles, Upton Sheridane, Jeremiah Smith, Israel Smith, Jonathan Sturges, and George Thatcher.

GEORGIA CONTESTED ELECTION.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of James Jackson, complaining of an undue election and return of ANTHONY WAYNE, a member returned to serve in this House from the State of Georgia.

The report being read by the Clerk,

Mr. WAYNE rose and observed, that about eleven months were now elapsed since the election which is at present called in question, had taken place—that the House was already upwards of four weeks in session—that the petitioner must surely have had sufficient time to come forward, at the first meeting of the House, to support the charges contained in his petition—that it could hardly be imagined the want of time prevented him from advancing—No!—it was rather to be supposed, that he was kept back by the want of evidence, to substantiate those charges; and perhaps by the expectation of procuring a majority in the Legislature of Georgia, to countenance his claims: these were facts, which, he believed, were not unknown to some gentlemen in the House; the same arts, the same practices, the same manœuvres, which had procured a presentment from the grand jury, against the election in question, and even against some of the acts of the General Government, might perhaps be expected to prevail at length with the Legislative body.

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The newspapers (he observed) have teemed on this occasion, with testimonies and affidavits, procured during several months past; as to the manner in which they had been obtained, that, he said, was a subject of investigation for a future day. Some of them were under the signatures of persons who had never read, nor were capable of reading them. He felt for the situation of some of those individuals, as they were already presented for perjury on that occasion.

He declared that he entertained not the most distant desire to procrastinate an inquiry into the merits of the election; but he must observe, that it could not but be obvious to every gentleman on the floor, that no other country in the world would countenance the mode in which Mr. Jackson had proceeded, by the publication of *ex parte* evidence on a subject that was to come under the investigation of the House.

He concluded by declaring his unwillingness to trespass on the time of the committee. He would therefore only beg leave to recapitulate, that eleven months were elapsed since the election took place; and that the petitioner had, ever since, been industriously employed in procuring evidence: if the committee should be disposed to indulge the gentleman with further time for that purpose, he would not, for his part, make the smallest objection to granting him that indulgence: should they think proper to adopt the report now under consideration, which seemed to contemplate and even to invite the advances of that gentleman, he would have no objection to meet him upon that ground, or upon any other, provided it were honorable ground.

The committee then proceeded to consider the resolutions limiting a time for the trial, and regulating the mode in which it is to be conducted; and after having made sundry amendments thereto, rose, reported progress, and asked leave to sit again.

FRIDAY, November 25.

PHILIP KEY, from Maryland, appeared, produced his credentials, and took his seat in the House.

Mr. WADSWORTH, from the committee appointed, presented, according to order, a bill for making compensation to widows, orphans, and invalids, in certain cases; which was read twice and committed.

Mr. WADSWORTH, from the committee appointed to prepare and bring in a bill or bills for making compensation to widows, orphans, and invalids, in certain cases, presented, according to order, a bill for the relief of David Cook; which was received, and read the first time.

GEORGIA CONTESTED ELECTION.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of James Jackson, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House, for the State of Georgia; and, after some time spent therein, the

Chairman reported that the committee had made several amendments thereto; which being read, some were agreed to, and others disagreed to.

The said report was then further amended, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, That the first Monday of February next, be assigned for the trial of the articles alleged in the said petition, against the said return.

Resolved, That the evidence which may be offered, on the part of the petitioner, shall be confined to the proof of the articles of charge exhibited in the said petition against the validity of the return of the said election.

Resolved, That, on the trial, the deposition of a witness shall be received, which shall have been taken more than twenty-five days prior to the day assigned for the trial, before any justice or judge of the courts of the United States, or before any chancellor, justice, or judge, of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court, or court of common pleas of any of the United States, not being of counsel or attorney to either the said Anthony Wayne, or the petitioner: *Provided*, That a notification from the magistrate, before whom the deposition is to be taken, to the adverse party, to be present at the taking the same, and to put interrogatories, if he think fit, shall have been first made out and served on the adverse party, or his attorney especially authorized for the purpose, as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance, after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And every person deposing shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken, together with a certificate of the notice, if any, given to the adverse party, or his attorney, shall be sealed up by the said magistrate, and directed to the Speaker: *Provided, nevertheless*, That no *ex parte* deposition shall be used on the trial of said petition, which shall have been taken at any time before the twenty-sixth day of December next: *Provided, also*, That evidence taken in any other manner than is herein before directed, and not objected to by the parties, may, with the approbation of the House, be produced on the trial."

MONDAY, November 28.

RELIEF OF WIDOWS, ORPHANS, &c.

The "Bill for making compensation to widows, orphans, and invalids, in certain cases," was taken up in Committee of the Whole, Mr. MÜHLENBERG in the chair.

The committee proceeded through the major part of the first section, and agreed to the clauses granting sums equivalent to seven years half-pay, to the orphan children of Captain R. Lewis, the widow of Colonel W. Douglass, and the orphan children of Major A. Leitch. The same provision was also agreed to in favor of the widow of Colonel O. Roberts, with a proviso, that, if any part of the said annuity has been already paid to her by

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the State of South Carolina, she shall only receive the balance.

By the next clause, a similar provision was intended for the children of Captain W. White, whose widow had intermarried, but not till after the expiration of seven years from his death. On this,

Mr. W. SMITH suggested the propriety of considering whether the widow of a deceased officer, even in case of intermarrying, was not still entitled to that part of the half-pay annuity which had accrued previous to the marriage; more especially as it was presumable that she had in the interim incurred some expense for the maintenance of the orphan children.

Mr. SEDGWICK observed, that the claim to the annuity accrued to the widow immediately on the death of the officer; that she had a right, from day to day; that, if the contract of Government had been performed, she would have received the whole previous to her marriage. He would therefore move to strike out "the orphan children," for the purpose of inserting the name of their mother.

Mr. AMES was of opinion, that the only right acquired by the widow, on the death of her husband, was the right of applying for the provision: instead of making the application, she had intermarried; and that intermarriage operating as a renunciation of the provision, it must, in his opinion, revert to the children. As to any expense by her incurred for the maintenance of the children; if the children receive an estate from the public, that estate becomes chargeable with their maintenance; and the widow will come in like every other creditor.

Mr. LIVERMORE observed, that, as the widow had not intermarried during the seven years for which she was entitled to the half-pay, her claim must still hold good: it was a right given to her for her own use—not to pay her husband's debts. Her non-application for it could not, upon any principle, be construed into a transfer of the right from her to her children, who had no pretensions at all to it during the seven years that she remained single: and if by not applying for the provision she forfeited her claim to it, the children were excluded as well as she.

Mr. WILLIAMSON remarked, that in some of the States, where laws were passed on similar subjects, no respect was had for the time past; the annuities commencing only from the time of the passing the law. Further, he observed, that, if the widow had received the money from day to day, the children would have partaken of the benefit; whereas if it be now given to her new husband, they will be excluded from all participation in it.

Mr. LAURANCE reminded the committee, there was no act of Congress limiting claims of this nature; and he hoped that no such law would now be made. If the widow's present husband is entitled to the compensation, it must be given to him, although he may not make the proper use of it. The intermarriage of an officer's widow involved the forfeiture, not of what had already accrued to her, but of what was thereafter to accrue. She had continued a widow for seven years;

and the delay of payment during that time, was no reason why she should lose her right.

The question, on the motion for striking out "the orphan children," being taken and carried, the mother's name was inserted: after which, the committee rose, reported progress, and asked leave to sit again.

TUESDAY, November 29.

Mr. LIVERMORE, from the committee appointed, presented a bill to establish the Post Office and Post Roads within the United States; which was received, and read twice and committed.

RELIEF OF WIDOWS, ORPHANS, &c.

The House then proceeded to consider the amendments, proposed by the Committee of the Whole, to the "Bill for making compensation to widows, orphans, and invalids, in certain cases."

On the first amendment, for striking out the orphan children of Captain White, and inserting their mother's name,

Mr. WILLIAMSON said, that on the marriage of the widow she had forfeited her claim, which then devolved to her children; he wished, therefore, the half-pay should go to them. To avoid, however, a judicial decision in the House, he would be content with saying, "the legal representatives" of Captain White.

Mr. SEDGWICK objected to the expression, as including both widow and children, and involving a division of the object in contest.

Mr. S. BOURNE was of opinion, that, by the intermarriage (though after the expiration of seven years) the widow had relinquished her claim to the pension: the right she had acquired by the death of her husband, was only what the law calls "*chose in action*;" it had only accrued to her conditionally; and as she had not reduced it into possession previous to her marriage, she could have no pretensions to it after, as the resolution of Congress expressly says, that if the widow marries, the pension shall go to the children. He added several arguments, drawn from the practice of the courts, to show the invalidity of any claim on her part or that of her present husband; and concluded, by declaring his opinion, that the pension ought to be paid to the children.

Mr. LIVERMORE objected to the words "legal representatives," as contrary to the intention of Congress, when they originally made the grant, which was never intended as assets, or to be distributed among the heirs at law. If those words were admitted, they would turn the pension into a channel that was never contemplated. To Mr. BOURNE's arguments drawn from the practice of the law, he opposed others derived from the same source; and maintained, that as the mother had continued seven years a widow, she still retains her right; and that, even if she had forfeited it, neither the children nor any one else could claim it now, as they had no title during the seven years for which the pension was granted.

The reason why this petition came before Congress was, that Congress had made no other provision in cases of this kind, than to recommend

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to the different States to grant such pensions, and to charge them to the United States; and no provisions were made by the officers of the Treasury, except in consequence of a special order. In the cases of some General officers, who were considered not as belonging to the State, but as officers of Congress, their widows and children were obliged to petition Congress, as the State refused to make any provision for them, though living in it. In the present case, perhaps the widow did not know she had such a right, and therefore did not make application; but this delay cannot operate an extinguishment of her right, which is not lost, but must belong to the same person to whom it originally belonged.

Mr. W. SMITH was of opinion, that a deceased officer's widow had an indisputable title to whatever part of the pension might have accrued previous to her intermarriage: but if, after such intermarriage, she received any portion of it, the orphan's guardian would have a right to claim all that had been paid to her beyond that period. He doubted, however, whether Congress ought to make such a determination; as he thought they have no right to pass declaratory laws affecting the rights of individuals. The question before the House was a question of property between the widow and the orphans; their right depends upon an act of the former Congress, and must be determined before a Court of Justice, not by the Legislative body, who, in making a decision, would outstep the limits prescribed by the Constitution. He therefore wished the matter might be left open for a judicial determination, and that the House would be content with saying "the widow or orphan of the late Captain White, as either may appear entitled thereto by the act," &c.

After some further remarks by Mr. KITTERA and Mr. WILLIAMSON, the objection stated by Mr. SMITH was removed, by incorporating the substance of the first and seventh sections into one, by which it is enacted,

"That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of the late Captain R. Lewis, Colonel W. Douglass, Colonel O. Roberts, Major A. Leitch, Captain W. White, Lieutenant J. Harris, Colonel W. Bond, Lieutenant W. Noyes, Lieutenant Colonel B. Elliott, Major S. Wise, Major B. Huger, Lieutenant J. Bush, Major C. Motte, and Captain R. Shubrick, deceased, all of whom were killed, or died in the service of the United States, for the seven years half-pay stipulated by the resolve of Congress of the 24th of August, 1780; and that the Register of the Treasury do issue his certificates accordingly."

On proceeding to the second amendment of the committee, by which it was proposed to allow to Timothy Mix five dollars per month, Mr. GILES moved to strike out "five," for the purpose of inserting "sixteen and two-thirds," being the half-pay of a Lieutenant.

Hereupon a debate took place, in which various reasons were alleged why Mr. Mix, though wounded in the grade of a Sergeant, should be remunerated as a Lieutenant, since by his valor and good conduct he had risen to that rank, and still bravely

fought his country's battles, notwithstanding the state of mutilation under which he labored. The difference of the sum could be of little consequence to the United States, though of the greatest consequence to him, who was now reduced to the painful necessity of publicly begging his bread: to grant him only a Sergeant's pension, would be degrading him from that rank to which his merit had exalted him. No apprehension could be entertained that the grant of an officer's half-pay would open a wide door for similar applications: perhaps the whole of the United States would not furnish another case of the like nature, &c.

On the other hand, it was urged that even with the allowance of five dollars per month, he would fare better than if he had been an officer from the beginning; since he had already received the commutation for lieutenant's half-pay, and had no further claim to any compensation whatever. No degradation was meant, nor could this grant be construed into one: it was a gratuity, not a debt. If every man who had suffered in the cause of America was to be relieved in proportion to his losses and distresses, the whole revenue of the United States would be drained before one half the claimants could taste the bounty of Congress, &c.

The question being severally taken on Mr. GILES's amendment, and on the amendment of the committee, the allowance was settled at five dollars per month.

The House having proceeded through the bill and the amendments, the question was taken on the engrossment for a third reading, and carried.

WEDNESDAY, November 30.

The bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls," was twice read and committed.

The Speaker laid before the House a Letter from the Attorney General, respecting his Report on the Judicial System of the United States; which was read: Whereupon,

Ordered, That so much of the order of the ninth instant, as directs the Attorney General to report to this House such farther information as he may be in possession of, relative to the operation of the Judicial System, be discharged.

Ordered, That the Committee of the Whole House to whom was referred the Report of the Attorney General on the Judiciary System of the United States be discharged therefrom; and that the said report be referred to Mr. SEDGWICK, Mr. HILLHOUSE, Mr. LAURANCE, Mr. BOUDINOT, Mr. KITTERA, Mr. MURRAY, and Mr. MADISON.

Mr. GOODHUE, from the committee appointed, presented a bill concerning the registering or recording of ships or vessels; which was received, and read twice and committed.

RELIEF OF WIDOWS, ORPHANS, &c.

The House proceeded to consider the amendments reported yesterday, from the Committee of the Whole House, to the bill for making compensation to widows, orphans, and invalids, in certain

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cases; and, the same being read, some were agreed to, and others disagreed to.

And then the said bill, being further amended, was, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" to which they desire the concurrence of this House.

THURSDAY, December 1.

An engrossed bill for making compensation to widows, orphans, and invalids, in certain cases, was read the third time and passed.

The bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President," was read the first time.

RELIEF OF DAVID COOK.

The House, in Committee of the Whole, (Mr. MUEHLBERG in the chair,) proceeded to the consideration of "A bill for the relief of David Cook."

The purport of the bill was, to allow to David Cook, who was shot through the body at the battle of Monmouth, one-third of the monthly pay of a captain of artillery, provided he would return two-thirds of his commutation, *being* [as expressed in the bill] *the proportion* between the half-pay and commutation.

Mr. WILLIAMSON objected to this, as expressing what was contrary to fact; for, as the commutation was given for half-pay, his refunding two-thirds of the commutation could only entitle him to a third of the half, but not of the whole pay.

Mr. LIVERMORE was of the same opinion.

Mr. FINDLEY wished the House might, in the present instance, set a favorable precedent. He observed that, if these officers who had received wounds in the service of their country were treated no better than others who had escaped unhurt, then there was no compensation allowed for superior hardship and suffering. The man who was unwounded could, with the assistance of his commutation, embark in some business that would afford him a maintenance. The case was different with the disabled officer, who was of course obliged to sell. In such circumstances as the latter, he would wish to see the officers permitted to retain the commutation, and allowed, moreover, such part of the annual pension as might be necessary for their subsistence. He thought it a disgrace to the country to see their veteran officers and soldiers pining in want and wretchedness. This, however, is the case, and is but the natural consequence of their disability which incapacitated them from duly economizing their commutation. In the case under consideration, the object

was to place the officer in a more eligible situation; but if, after having been obliged to refund, he should die in the course of a year, the commutation would then be lost to him and his family; and, as to any apprehensions that might be entertained of throwing open a door for the admission of other claims, by showing an indulgence in the present case, he was so far from being swayed by such a consideration that he even wished to see numbers of deserving veterans come forward to receive those rewards to which their services entitled them.

Mr. BARNWELL observed, that, to purchase the half-pay at the expense of refunding the commutation, was only receiving with one hand and paying away with the other. He wished that, without a repayment of the commutation, the half-pay should be allowed from some given period.

Mr. BALDWIN remarked, that, as the petitioner had been examined by persons appointed to decide on the degree of his disability, if the House set aside their decision in the present instance, they should do the same in every other case.

Mr. KITTEA entered into sundry calculations, tending to prove that the grant of half-pay would confer no real benefit on an officer, if clogged with the condition of returning the commutation.

Mr. HILLHOUSE wished the committee might rise, and the matter be postponed until the proper officer should, from the current value of the public securities, ascertain the rate at which the United States may be indemnified for the commutation, that the repayment may only be made in proportion.

Mr. HARTLEY observed, that the Committee were about to establish a principle which would affect a number of officers. Pursuant to their contract with the public, they were entitled to half-pay for life; in lieu of which, they thought it more to their advantage, at the conclusion of the war, to accept of whole pay for five years. Since that period, however, many of them have been so affected by their wounds as to be disabled from obtaining a livelihood. Something ought, in his opinion, to be done for those men, whom it was cruel to see travelling about in distress, after they had rendered such services to their country. He adverted to the circumstance of the amount of the half-pay being alone sufficient (without refunding) to discharge the commutation, in a certain number of years; after which, he thought it but justice that those unfortunate men should receive a further compensation for their services and sufferings. This being, however, a question of considerable moment, he wished the committee might rise, to consider again to-morrow.

Mr. BOUDINOT opposed the rising of the committee, as he saw no advantage in postponing the business. The public officers had, for several years, pursued, in cases of this nature, a regular system, in which he thought it might prove dangerous to innovate. A general revision of the claims of the officers on the pension list would be attended with much difficulty. Better that the House should determine on particular cases. The one under consideration he wished to see taken up

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on its own merits, and a provision made suitable to the peculiarity of the circumstances.

Mr. PARKER disapproved of passing laws for particular cases, when they could all be embraced by a general one. If the committee should rise, he hoped it would be for the purpose of reporting their opinion in favor of passing a bill to make a general provision for all such cases. If they proceeded in the bill under consideration, he would wish to include in it Captain Campbell, in whose favor a report from the Secretary of War had just been read.

The question on the committee's rising being taken and lost,

Mr. BOUNDNOT observed, that unless Captain Cook's situation (in consequence of his wound) be now worse than it was at the time of inspection, the House ought strictly to adhere to the principle laid down in the rule heretofore established. He thought it dangerous to change that law in an individual case. If any innovation were to take place, it ought equally to extend to all; otherwise, petitions would be pouring in by every man on the pension list, suing for the same advantages that had been granted to one. If Captain Cook's situation were grown worse, his particular circumstances might require the particular attention of the House; otherwise, it would be prudent to weigh the consequences of deviating from the established rule. A number of invalids had, on refunding part of their commutation, been admitted on the pension list; and if the House did not think that a sufficient compensation for wounds and services, the same additional favor that was shown to any one ought to be generally extended to every one. This he thought the only path to be pursued, if the House wished to avoid the imputation of injustice to many worthy men, whose names are on the pension list.

After some further debate, the committee rose and reported the bill, without amendment.

On motion of Mr. PARKER, it was then proposed to amend the bill by the insertion of a clause for the admission of Captain Campbell (above mentioned) on the pension list, with an allowance of the half-pay of a captain of infantry.

Several gentlemen having spoken in support of the amendment,

Mr. FITZSIMONS expressed a wish to see a suitable provision made for every case similar to the two under consideration, but thought the House were pursuing a very improper mode of making such provision. Equal justice ought to be done to all. This was not the case in the present instance, in which the two officers were put on an unequal footing. He saw no reason why one should receive more, and the other (merely because he had not asked more) should receive less. When officers are put on the pension list, this ought to be done in the most convenient manner, and some general law must be made for the purpose. Such a measure would obviate the inconvenience of throwing in fractions of £20 to one and £50 to another. If gentlemen would suffer the bill to pass as reported by the committee, Captain Campbell, and many others in similar cir-

cumstances, might be provided for by a general law.

Mr. WADSWORTH observed, that many such petitioners had waited three years without receiving any relief. He admitted that the resolutions of the old Congress excluded the petitioner from the pension list, unless the commutation were returned; but he hoped the House would not consider themselves as bound by those resolutions. He could not consent to see the few invalids who have survived their hardships and distresses, doomed to starve and perish for want. The whole annual amount of the invalid pensions is only \$87,000—a sum far short of what is, in many countries of Europe, annually spent by a single individual; and even this is every day diminishing. As to the idea of a "general bill," he had often heard general bills talked of, when there was a question of postponing the consideration of particular cases, but he had ever observed them to end in nothing. He was pleased, however, to see in the House an increasing disposition to do justice. He hoped the same spirit had extended its influence to the Senate, and that they would be disposed to do justice also.

The question being taken on the amendment, and carried, the bill was ordered to be engrossed for a third reading.

Mr. BOUNDNOT laid on the table a resolution that the Secretary of War be directed to lay before the House a statement of the claims of all such invalids, widows, and orphans, as are, in his opinion, justly entitled to the provisions made by the former Congress, but have been prevented from receiving the same; together with the particular circumstances attending such claims; and also a similar statement of the claims of all other persons belonging to his Department who have been prevented from exhibiting the same in due time.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to explain and amend the acts which relate to the seven years' half pay promised to the widows and orphans of officers who died in the service of the United States, and of persons who are, or have been, entitled to pensions as invalids; and that Mr. LAWRENCE, Mr. FITZSIMONS, and Mr. BARNWELL, be the said committee.

FRIDAY, December 2.

An engrossed bill for the relief of David Cook, and Thomas Campbell, was read the third time and passed.

The bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President," was read the second time, and ordered to be committed to a Committee of the Whole House. Committed.

Ordered, That the petition of Nathaniel Lucas, which lay on the table, be referred to the Secretary of War.

A memorial and petition of the Society of Uni-

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and Brethren for propagating the Gospel among the Heathen, was presented to the House and read, praying that the resolve of Congress of the third of September, one thousand seven hundred and eighty-eight, making a grant of certain lands for the benefit of the said Society, may be confirmed, and warrants issued to survey the same. Referred.

APPROPRIATION BILL.

The House then resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two.

Mr. PARKER observed, that the sum contemplated to be granted by the bill before the committee was nearly double the amount of that granted for a former year. He conceived it was the duty of the committee who reported this bill to have examined into the expenditure of the former appropriations, and called on them for information on this head.

Mr. LAURANCE said, that it was not the duty of the committee to collect the information called for. Public officers had their accounts settled according to law, and those settlements were open to the inspection of the members. It was only the duty of the committee to examine the estimates contained in the Report of the Secretary of the Treasury, and to report a bill, providing for the expenses of Government and the discharge of claims due in 1792. The Committee of the Whole would also examine those estimates. The amount of salaries depended upon the positive laws of the Legislature, and the estimates from the different offices stated to what purpose the money called for by each was intended to be applied. If from the documents in the possession of the committee, it was found that money was wanted, money would be granted he supposed; if money was not found wanting, grants would not be made. When the former Congress made grants of money for particular purposes, they necessarily relied on the honor of their officers that it would be expended agreeably to appropriation.

Mr. PARKER did not doubt but that the committee had done what they thought their duty, but his wish in rising was to provoke an inquiry into the expenditure of money heretofore appropriated. He had no doubt of the integrity of the officers into whose hands the money was intrusted, yet he thought it the duty of the Representatives of the people to inquire in what manner the money of their constituents was expended. The sums intended for the War Department he considered as very considerable, and for the Treasury Department sums were called for to pay a number of clerks, who perhaps were not all employed. He concluded by declaring that he could not vote in favor of the bill until he had obtained the information he called for.

Mr. FITZSIMONS remarked, that the allowance of the different clerks of the Treasury would not be paid, if it was not shown to the proper officer that they had been employed and had done their duty.

Mr. BALDWIN said the committee, of which he

was a member, had not been appointed to inquire into the expenditure of former appropriated money, but to bring in a bill agreeably to the report; yet, as an individual member, he had called at the Register's office, and had been induced to look over the accounts. In that of the Secretary of the Senate, three thousand dollars had been appropriated last year for contingent expenses. He did not see that that sum had fallen short, though that officer now called for four thousand five hundred dollars as an appropriation for the expenses of 1793. The reason for granting this increased sum, was stated that some articles had risen in price.

Mr. DAYTON observed, that the objections which Mr. PARKER made to the bill were indefinite. He wished he would point out those parts on which his dislike to it was grounded. They appeared to amount to this, that he would not vote for an appropriation bill.

Mr. SMITH (N. H.) said the bill was intended to make provision for the expenses of Government, and he could see no necessary connexion between the object of it and an examination into the expenditure of money already appropriated. He saw no reason for suspending his determination on this till he had received satisfactory information on the other head: for if the officers were not able to account for one farthing of the money appropriated, yet it would be necessary to provide for future expenses. He agreed that the information called for was necessary, but contended it need not interfere with the business now before the committee, or interrupt its progress.

Mr. CLARK thought the inquiry not only necessary, but well-timed. There was no doubt that the money appropriated had been expended; but he wished to know whether it had been properly expended. It was necessary to know *how* it was expended, before any more was appropriated. This information should form the ground of future appropriations.

Mr. PARKER declared he had no intention of unnecessarily impeding the progress of the bill before the committee; but he saw no necessity for hurrying the business—to give two or three days for inquiries would be no injury to it. He did not know that any money had been applied by any of the officers of Government improperly, but he conceived it his duty to inquire. As soon as the inquiry was made, and the information he called for obtained, he was ready to grant every requisite supply; because he was confident that these inquiries, once made, would never be neglected, and a habit would follow to look into the expenditure of all public appropriations. He again adverted to the great increase of expense, by comparing the appropriation of the second session of Congress and the one proposed by the bill before the committee. The first was about six hundred thousand dollars, and this upwards of a million. Perhaps there was a necessity for this increase, and all money heretofore granted had been properly expended, but this he wished might be made to appear.

Mr. LAURANCE wished every part of the bill

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thoroughly examined, and every member satisfied that the sums called for were necessary before they were appropriated. The gentleman from Virginia, who first objected to the bill, only took a comparative view of the sum total of former appropriations and of that contemplated by the bill. He wished the gentleman would turn to the particulars, and view the variety and nature of the calls on the Treasury for 1792. He noticed the mention that had been made of the increased sums called for, for the contingent expenses of the Senate, and said that, if the whole of this was not expended, the remainder would lay in the Treasury, and such parts as were expended must be accounted for by the proper officer to the proper office where it was open to inspection.

Mr. SMITH (S. C.) wished that the gentleman from Virginia, to satisfy his doubts respecting the expenditure of former appropriations, would take the trouble of examining the accounts of the Treasurer, which had already been lying on the table for three weeks. He mentioned some of the objects that occurred at the present session, and which called for an increase of the sum to be appropriated. Among these he enumerated the increase of our army in consequence of the attacks on our frontiers, the expense incurred in taking the census, the additional claims on Government, and the expense of the Government of the South-western Territory. He wished the gentleman to state the particular parts of the bill he objected to. If he did this, the attention of the committee would be turned to one point, and progress might be made in the business.

Mr. STEELE thought the objections made by the gentleman from Virginia (Mr. PARKER) proper; and fully agreed in the propriety of checking the progress of the bill until the information called for by that gentleman could be obtained. The intention, he conceived, in appointing a select committee was, that they should examine the estimates on which the appropriation bill was to be founded. He wished to know how it happened that the Secretary of the Senate, for contingent expenses of that body, should call for four thousand five hundred dollars, when the Clerk of the House of Representatives only called for five thousand five hundred dollars, though the last mentioned body is so much more numerous than the first. He was of opinion that the annual contingent expenses of the Auditor's and Comptroller's offices must now be well known from experience, and that *supposition* was no longer proper in estimating the sums necessary to be appropriated for those objects. He conceived that the last year's expenses being inquired into, would give the sum necessary for the next. He wished to depend on the select committee for every information of this kind; and, if they were not able to give it, he conceived they had not done their duty.

Mr. LAURANCE supposed it was the duty of members to inform themselves on every subject that came before the House. In this instance, want of time could not be pleaded in excuse for a neglect of this duty. The estimate of the Secretary of the Treasury had early in the session been

handed in, was printed for the use of the House, and a copy put into the hands of each member, so that they had a full opportunity of examining it. The bill now before the committee had been reported two weeks since; so that, from the time of the bill's being reported, the business had not been precipitated. Gentlemen knew the subject was before them, and if they had examined into it, their minds would be made up, because there were materials on which their opinions could be formed. Relative to the two particulars adverted to, first the increased estimate of the Secretary of the Senate, he observed, that it was impossible for any member of the committee positively to declare that the additional sum of one thousand five hundred dollars to the former allowance was too much. With respect to the estimate of the Clerk of the House, it was particular, it was easily examined, and the Committee of the Whole were competent to determine whether any items of it appeared unreasonable. The contingencies in the War Department, in the Comptroller's office, &c., if they were higher than heretofore, it should be considered that rents are raised, and wood higher, and an allowance should therefore be made. He was sorry to hear it said that the committee had not done their duty. The information called for, he repeated, was on the table. It was impossible for the committee to say the exact quantity of wood, paper, &c., necessary for the Houses—something must be left to the honor and integrity of the persons intrusted with making the purchase of these articles.

Mr. GERRY said, that the committee were directed to report a bill pursuant to the estimate made, and their duty had no relation to the examination of the last year's expenditure. Yet he conceived it the duty of the House to make some such inquiry, and he hoped the committee would rise to give time to collect this information. He wished the House would make it a rule that every Executive should, at each session, lay before the House an account of the expenditure of all the money passing through their hands. The people depended on their Representatives for a scrutiny into the expenditure of the public money. He wished, at present, that a committee should be appointed to examine into the expenditure of all former appropriations, and that a rule should be established to apply for the future, and procure regular accounts from every branch of the Executive Department. The effect of this, in the end, would be to increase the confidence of the people in those officers, by bringing the rectitude of their official conduct to full evidence, and would be the best guard against the embezzlement of public money, should we be less fortunate in future in the choice of Executive officers. If some such plan as this was not adopted, the Representatives would have no more idea of the money expended than the people themselves, and the people no more than if their officers were in the moon. He moved that the committee rise.

Mr. BOUNDNOT hoped the committee would not rise until some more notice had been taken of the objections of the gentleman from Virginia. His

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charges were to the bill in general, and were founded upon the difference between the sum total of the appropriation contemplated in the bill, and that of former appropriations, a difference of about four hundred thousand dollars. To account for this difference he wished the gentleman would turn his attention to the Report of the Secretary of the Treasury; in which he would find a number of extraordinary calls for considerable appropriations. A considerable sum to the King of France; a large sum, the balance of an old account due Oliver Pollock; one hundred and twenty thousand dollars, a deficiency in last year's appropriation; considerable expenses in consequence of an increase of our army for the defence of the Pennsylvania and Virginia frontiers. He mentioned that if the sums called for to provide for these objects, and a few more which he enumerated, were added together, they would be found to make up nearly the difference complained of. This explanation he considered as necessary, lest it should be imagined that our regular annual expenses had increased in the sum of four hundred thousand dollars. These extraordinary expenses were peculiar to the ensuing year, and could not be reckoned as an increase to the annual expenses of the Government of the United States.

Mr. STEELE wished the members of the select committee would declare whether they had examined the items of the particular estimates laid before them. He was willing to rely on their opinion of them to make up his own mind.

Mr. BALDWIN said, the committee were only appointed to bring in a bill in conformity to the estimates laid before the House. He conceived that, as every member had a right to examine the documents on which those estimates were founded, that they would take the necessary steps to acquire information. For his own part, he had been induced for this purpose to call at the Register's office. He had procured from the Register such papers (making himself personally responsible for their safety) as threw sufficient light upon it to satisfy his mind; those papers were on the table and open to the inspection of every member.

Mr. GILES was of opinion that the committee had done their duty, and had acted in conformity to the resolution of the House. He mentioned his being one of a small minority against that resolution, when it was under consideration. At that time he was of opinion that some previous examination was necessary. He adverted to the estimate from the Secretary of the Senate. That officer called for four thousand five hundred dollars, for contingent expenses, though it did not appear that there was a deficiency in the sum of three thousand dollars granted last year. The only reason that was given for an increase of fifty per cent. was, the increased price of the articles to be purchased. He was against allowing an unnecessary latitude in appropriations. It would generally be found that the expenditures would come up very near to the sum appropriated; and if three thousand dollars were sufficient last year, it remained to be determined whether the increased price of articles warranted an increase of

fifty per cent. in the sums to be appropriated now. If an increase in the appropriations for the Department of War, from good reasons, was necessary, this was no reason why the contingent expenses of the Senate should increase. He hoped the passage of the bill would not be precipitated, and was of opinion that information should be previously obtained. He approved of the idea suggested by Mr. GERRY, to call on Executive officers at stated times for their accounts. It had been said that members could seek for information at their offices; he thought it more proper that the officers should be called upon to bring their accounts to the House. He did not like the mode pointed out; and, indeed, even supposing the members had neglected a duty, yet he hoped further time would not be refused. He was for the committee's rising.

Mr. BARNWELL was of opinion that the Report of the Treasurer, containing a full account of the receipt and expenditure of all the public money, was the fullest information that need be received. Neither the members of the House, nor a committee of it, could possibly examine into the minutiae and items of every public account. The Comptroller, Treasurer, and Register, were the proper officers to do this. If any member of the House was dissatisfied with any particular charge received at the Treasury, he could, either as an individual, call and examine into its propriety, or on the floor of the House call for the information he wanted to satisfy his mind.

Mr. FITZSIMONS was against the committee's rising. Many of the items in the appropriation bill were right without doubt, and papers were on the table to explain the propriety of others. Salaries would not be disputed. If clerks were unemployed at the offices, they would not be paid. The contemplated appropriations for contingent and incidental expenses depended on estimates which were before the committee; and if any are thought too considerable, motions may be made to reduce them; but to rise now would be mere waste of time. He enumerated some of the objects of expense which called for a larger appropriation this year, to remove the general objections of the gentleman from Virginia.

Mr. MADISON considered the present a good opportunity to determine how far the House could go into an examination of the accounts of public officers. It was true, that the Representatives of the people were the guardians of the public money, and consequently it was their duty to satisfy themselves as far as possible of the sources from which money flowed into the Treasury—how that money was applied—under what authority—and to inquire, at different times, what balance actually remained in the Treasury. This, he conceived, could best be done by appointing a committee periodically to examine the books of the Treasurer, see what balance appeared on the face of them, and inquire whether that balance was really in the Treasury. He mentioned the practice of the former Congress, to appoint four committees to inspect the operations of the four Departments under them. These Departments,

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however, now belonged more to the Executive; but still, as the Representatives were, by the Constitution, made the guardians of the public money, they had a right, and it was their duty, to inspect the operations of the Treasury Department. This right could not be conveniently exercised, in his opinion, by the whole body, but it should be done by a detachment from it, who would report the necessary information. This mode of proceeding was usual. He instanced the practice of the British House of Commons, and of several State Legislatures. Even if these inquiries procured no more information than was obtained by means of reports from the different officers of Government, yet being made by the immediate Representatives of the people, they would give more satisfaction. So far as it was useful to ascertain the real balance in the Treasury, so far these periodical committees would be of the first utility. A question arose, whether the progress of the bill before the committee should be stopped to make those inquiries, or whether it should be suffered to go on, on the supposition that all was right. He wished the proper regulations on this subject settled, as standing regulations, and to be adopted before any idea of their necessity should arise from suspicious circumstances.

Mr. LAURANCE wished to proceed in the bill as far as the information already in the possession of the House would carry them.

Mr. GERRY made some observations, to show that accounts from the Treasury could never give the information wanted; they generally stated sums of money paid to individuals, without mention of particular objects to which they were meant to be applied. This was a favorable opportunity to establish some such regulations as were contemplated by members. Our officers have, and deserve, the confidence of the people. It would be too late to attempt to make those regulations when there were reasons for suspicion; the influence of suspected officers would be exerted to oppose them.

Some further remarks were made by Messrs. BALDWIN, GILES, and FITZSIMONS; after which, the question was put, and the Committee rose, reported progress, and obtained leave to sit again.

MONDAY, December 5.

The House again resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two; and, after some time spent therein,

Ordered, That the said bill, with amendments, be recommitted to Mr. LAURANCE, Mr. BALDWIN, and Mr. ASHE.

The Speaker laid before the House a Letter from the Secretary of Treasury, accompanying his report on the subject of Manufactures, made pursuant to an order of the House of the fifteenth of January, one thousand seven hundred and ninety; which was read, and ordered to lie on the table.

The Speaker laid before the House a Letter

from the Treasurer of the United States, accompanying his account of receipts and expenditures of the public moneys, between the first of July, and the thirtieth of September, one thousand seven hundred and ninety-one; which were read, and ordered to lie on the table.

Mr. BENSON laid on the table a resolution for the appointment of a committee to join a committee of the Senate, to consider and report the most eligible manner of carrying into effect a former resolution of Congress respecting the erection of an Equestrian Statue, in honor of General WASHINGTON.

APPROPRIATION BILL.

The House then, pursuant to the order of the day, resolved itself into a Committee of the Whole, and resumed the consideration of the appropriation bill—Mr. MUHLENBERG in the chair.

In proceeding through the bill, the several items were separately considered, and agreed to. Some occasional remarks were made; but no material debate took place. One amendment was proposed, by which the bill is made to express the several purposes for which the moneys are appropriated, instead of appropriating sums in gross, with a reference to the Secretary's estimate, for particulars.

The committee having reported the bill and the amendment, the House adopted the same, and re-committed the bill to the select committee, who had originally framed it, with instructions to new-model it pursuant to the sense of the House.

Mr. GERRY presented a resolution in lieu of one which he laid on the table on Friday last, making it the duty of the Secretary of the Treasury to report to the House, on the third Monday of every session, an account of the receipts and expenditures of the public money appropriated during the preceding session, so far as he shall then have it in his power to state particulars; and if he be unable to give an accurate statement of the whole, at the time appointed, he is to complete it as soon afterwards as may be.

TUESDAY, December 6.

Resolved, That Mr. BENSON, Mr. GERRY, and Mr. SMITH, of South Carolina, be appointed a committee on the part of this House, jointly, with such committee as shall be appointed on the part of the Senate, to consider and report to Congress the most eligible manner for carrying into effect the resolution of the United States in Congress assembled, of the seventh of August, 1783, directing that an Equestrian Statue of General WASHINGTON should be erected.

The three following motions being severally made and seconded, to wit:

"*First*. That a committee be appointed to examine and report upon the state of the Treasury Department; and that such committee be appointed on the second Monday after the meeting of Congress in every session.

"*Second*. That it shall be the duty of the Secretary of the Treasury to report to this House, on the third Monday of every annual session of Congress, a regular statement and account of the receipts and expenditures of all public money, for the preceding year, as far as the

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same can be then ascertained; and as soon thereafter as circumstances will permit, of such receipts and expenditures as cannot be specified in the first statement.

"Third. That, within the month of January in each year, if Congress shall be then in session, or, if not then in session, within the first week of each succeeding session, the Secretary of the Treasury shall lay before the House of Representatives an accurate statement of receipts and expenditures down to the last day of the month of December immediately preceding, including the said day; in which statement shall be distinguished the expenditures which fall under each head of appropriation, and shall be shown the sums, if any, which remain unexpended of such appropriations. And that a committee be thereupon forthwith appointed to examine the said statement, and report concerning the same to the House, and that this be considered as a standing order."

Ordered, That the said motions be referred to Mr. GERRY, Mr. DAYTON, and Mr. BARNWELL; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

POST OFFICE BILL.

The House resolved itself into a Committee of the Whole House on the bill for establishing the Post Office and Post Roads within the United States.

Mr. SEDGWICK moved to strike out all that clause of the bill which designated the roads, and to insert, instead thereof, these words, "*by such route as the President of the United States shall, from time to time, cause to be established.*"

It had appeared, he said, to be the sense of the House, when this subject was formerly under consideration, that the demarkation of the particular roads should be intrusted to the Executive; the only difference had been with respect to the mode of expression—but the effect was still to have been the same—some gentlemen thinking it best to leave the details of this business entirely to the supreme Executive, others wishing to name the Postmaster General. The members of the House could not be supposed to possess every information that might be requisite on this subject, and their opinions were liable to be biassed by local interests. He had ever considered it as highly incumbent on the House to give the people every possible information on public concerns; but in this, as in every other subject, he thought it sufficient that the House should establish the principle, and then leave it to the Executive to carry it into effect.

Mr. LIVERMORE observed that the Legislative body being empowered by the Constitution "to establish post offices and post roads," it is as clearly their duty to designate the roads as to establish the offices; and he did not think they could with propriety delegate that power, which they were themselves appointed to exercise. Some gentlemen, he knew, were of opinion that the business of the United States could be better transacted by a single person than by many; but this was not the intention of the Constitution. It was provided that the Government should be administered by Representatives, of the people's choice; so that

every man, who has the right of voting, shall be in some measure concerned in making every law for the United States. The establishment of post roads he considered as a very important object; but he did not wish to see them so diffused as to become a heavy charge where the advantage resulting from them would be but small; nor, on the other hand, for the sake of bringing a revenue into the Treasury, consent to straiten them so as to check the progress of information. If the post office were to be regulated by the will of a single person, the dissemination of intelligence might be impeded, and the people kept entirely in the dark with respect to the transactions of Government; or the Postmaster, if vested with the whole power, might branch out the offices to such a degree as to make them prove a heavy burden to the United States. In many instances the expense is productive of a benefit sufficient to counterbalance it; in others, no public benefit arises, but some individuals reap a private advantage from the institution, whilst it is injurious to others. The most material point, in his opinion, was to determine the road itself; if the House gave up that, they might as well leave all the rest of the business to the discretion of the Postmaster, and permit him to settle the rates of postage, and every other particular relative to the post office, by saying, at once, "there shall be a Postmaster General, who shall have the whole government of the post office, under such regulations as he from time to time shall be pleased to enact."

Mr. SEDGWICK felt himself by no means disposed to resign all the business of the House to the President, or to any one else; but he thought that the Executive part of the business ought to be left to Executive officers. He did not, for his part, know the particular circumstances of population, geography, &c., which had been taken into the calculation by the select committee, when they pointed out the roads delineated in the bill; but he would ask, whether they understood the subject so thoroughly as the Executive officer would, who being responsible to the people for the proper discharge of the trust reposed in him, must use his utmost diligence in order to a satisfactory execution of the delegated power? As to the constitutionality of this delegation, it was admitted by the committee themselves who brought in the bill; for if the power was altogether indelegable, no part of it could be delegated; and if a part of it could, he saw no reason why the whole could not. The second section was as unconstitutional as the first, for it is there said, that "it shall be lawful for the Postmaster General to establish such other roads as post roads, as to him may seem necessary."

Congress, he observed, are authorized not only to establish post offices and post roads, but also to borrow money; but is it understood that Congress are to go in a body to borrow every sum that may be requisite? Is it not rather their office to determine the principle on which the business is to be conducted, and then delegate the power of carrying their resolves into execution? They are also empowered to coin money, and if no part of their

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power be delegable, he did not know but they might be obliged to turn coiners, and work in the Mint themselves. Nay, they must even act the part of executioners, in punishing piracies committed on the high seas. In the delegation of power, the whole purpose, in his opinion, is answered, when the rules by which the business is to be conducted are pointed out by law; nor could he discover anything in the Constitution to restrict the House from adopting this mode of conducting business.

Mr. HARTLEY.—I cannot agree with the gentleman from Massachusetts, that as often as this business had been agitated, there had been a majority in the House in favor of leaving it to the Executive to designate the post roads. Nay, so far as my recollection (which is perhaps not so good as that gentleman's) serves me, we uniformly have had a majority for Congress to point out the post roads.

The Constitution seems to have intended that we should exercise all the powers respecting the establishing post roads we are capable of; but the gentleman says we are not competent to this duty, that it must be intrusted to the Executive.

Sir, in many questions concerning the property or geography of the United States, we had full information on this floor from every quarter. The people's interests and circumstances have been known, however distinctly or differently situated.

On the subject of the post office there has been much discussion. Almost the whole of the roads here stated have appeared in bills before, and though the gentleman (who made the motion for striking out) may not perfectly understand all the roads, yet if he will be so good as to attend to the gentlemen who represent the different parts of the Union, he ought to be satisfied. Unless they are prejudiced, they can certainly give the best information. If it were left to the President or Postmaster General, neither is acquainted with all the roads contemplated; they must depend in a great measure on the information of others.

We represent the people, we are constitutionally vested with the power of determining upon the establishment of post roads; and, as I understand at present, ought not to delegate the power to any other person.

A General Post Office is intended to be established by the bill, and the collection of the revenue is put under the superintendance of a Postmaster General; the minutiae is submitted to him. I should imagine there ought to be a limitation of the law in point of time, say three, four, or five years; when we come to the proper place, a motion to that purpose may be made. No one in the United States has a greater respect for the President than myself, and I hold that the several Departments are filled with gentlemen of the first abilities and fitness, but we are not to confine ourselves to a view of the moment. This bill has the complexion of a perpetual law; we must have some regard to consequences. If the amendment takes place, the office as well as revenue will be thrown into the power of the Executive, who may

increase the roads and offices as far as the revenues go. The revenue of the post office is at present not great, but if proper seeds are now sown, it may hereafter be productive. In Great Britain, much has been obtained from the post office, and most of the European nations count upon it as a considerable branch of revenue. Will it be prudent for us to grant this power to the Executive, in the latitude contended for? We must not suppose that this country will always remain incorrupt; we shall share the fate of other nations. Through the medium of the post office a weighty influence may be obtained by the Executive; this is guarded against in England by prohibiting officers in the Post Office Department from interfering at elections. There is no such guard or caution in the present bill. By the amendment, we are unnecessarily parting with our revenues, and throwing an improper balance into the Executive scale, and which our constituents do not expect from us. The Senate heretofore have disagreed with us, but if they will take the same pains we have, the means of information is within their reach; upon a review, they may probably change their sentiments. This is a law of experiment, let us try it a few years. If, upon experience, we find ourselves incompetent to the duty, we must (if the Constitution will admit) grant the power to the Executive; or, if the Constitution will not allow such a delegation, submit the article for amendment in a constitutional way. I am against the amendment.

Mr. B. BOURNE was in favor of the amendment, which he thought both expedient and constitutional. In speaking of *post offices and post roads*, the Constitution, he observed, speaks in general terms, as it does of *a mint, excises, &c.* In passing the excise law, the House, not thinking themselves possessed of sufficient information, empowered the President to mark out the districts and surveys; and if they had a right to delegate such power to the Executive, the further delegation of the power of marking out the roads for the conveyance of the mail, could hardly be thought dangerous. The Constitution meant no more than that Congress should possess the exclusive right of doing that, by themselves or by any other person, which amounts to the same thing. The business he thought much more likely to be well executed by the President, or the Postmaster General, than by Congress. He had himself been of the committee who framed the bill, but could not tell whether the roads marked out in it were better than any other, except so far as relates to the State which he represents; and he imagined the other members of the committee were in a similar predicament. The President having opportunities of obtaining information from the different members of the House, from the Postmaster General, and from others, will be more competent to determine the proper road. It will be occasionally necessary to change the route, and lay out new roads, and he could see no inconvenience from intrusting either the President or the Postmaster General with the necessary powers for these purposes. At all events, the House could guard against any ap-

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prehended danger, by the insertion of such a clause as had been proposed, [by Mr. HARTLEY,] limiting the operation of the bill to three, four, or five years. At the expiration of that term, the power would revert to Congress, and they might then retain the exercise of it in their own hands, if they found that any improper use had been made of it.

Mr. WHITE made several observations on the expediency and constitutionality of the measure. No individual could possess an equal share of information with that House on the subject of the geography of the United States. He disapproved of the amendment for many other reasons, and particularly its approximation to the custom of England. Such advances towards Monarchy, if not checked in season, he was apprehensive would tend to unhinge the present Government. If this Government retains its present Republican form, it will be owing to the members of this House. It is easy to see what hand could be made of the post offices, if ever they are under the direction of an improper person. At the time of a general election, for instance, how easy would it be for this man to dictate to particular towns and villages, "If you do not send such a man to Congress, you shall have no post office; but if you elect my friend, you shall have a post office, and the roads shall be run agreeably to your wishes." Another improper use may be made of this power by the interception of letters, and checking the regular channel of information throughout the country. Upon the whole, he was clearly for rejecting the motion for striking out the words in the bill.

Mr. LAURANCE observed, that the revenues arising from the post office would not, perhaps, produce a sufficient sum to defray the expenses of the establishment. If this should be the fact, he would prefer the amendment, but if the revenue should increase from time to time, he should have no objection to the addition of posts and roads in proportion to such increase. The consequence of establishing so extensive a system all at once, as was contemplated in the bill, might be, that the revenue would fall short, and then additional taxes must be laid to pay off the deficiency; however, upon the whole, if he could be satisfied that the revenues of the Department would be sufficient to defray the expenses of it, he would be against striking out the clause in the bill.

Mr. PAGE.—If the motion before the committee succeeds, I shall make one which will save a deal of time and money, by making a short session of it; for if this House can, with propriety, leave the business of the post office to the President, it may leave to him any other business of legislation; and I may move to adjourn and leave all the objects of legislation to his sole consideration and direction. But how the President should be better acquainted with the proper places for post offices and post roads than the Representatives of the people, I cannot conceive. In Virginia, for instance, cannot the ten Representatives say, with more certainty, what post roads would be proper in that State than any one man? I look upon the motion as unconstitu-

tional, and if it were not so, as having a mischievous tendency, which I am willing to believe the member who made it is not aware of.

In reply to Mr. SEDGWICK, he said, he heard but two arguments on which any stress was laid, viz: that the President's greater responsibility pointed him out as the proper person to be intrusted with the important business of establishing post offices and post roads, and that his superior knowledge of this subject ought to induce the committee to leave it to him alone; but as to the responsibility, how that can be greater than the responsibility of the members of this House, when he is appointed by Electors for a longer term than they are; and they elected by the people themselves, and accountable to them every two years, is to me inconceivable; and as to his superior knowledge, granting that he possessed it, which I cannot grant, can there be a greater paradox than the assertion that the President's knowledge alone is greater than that very knowledge, aided by the united information of both Houses of Congress, collected and presented to him in the bill? Sir, if the clause which it is said we should strike out, instead of communicating the sense of this House to the President, took away his right of approving or rejecting it, there might be some weight in the argument drawn from the supposition of his superior knowledge; but as this is not, and cannot be the case, and so far from it, that the clause submits the matter to the most mature deliberation of the President and Senate, it must be paradoxical to say that we lose the advantage of superior wisdom and knowledge of the subject, if we do not leave it to the President alone. But we are told that the motion is not unconstitutional. I think it is; but who is there that denies it is contrary to the interest and spirit of a free Government? The people, however, may think with the member who made the motion, that the President (that is, the man who is now their President) understands this matter, and can do it better than their Representatives; and they may think the whole business of Government might be safely intrusted to him; but they are too wise to make the experiment, and understand the nature of their Government so well as to complain that Congress too often commits to Heads of Departments what the Constitution requires at their hands. The President himself, if I mistake not, views the subject before us in the light I do, or he would not so repeatedly have called on us to make it a peculiar object of our deliberation.

Mr. STEELE would not take up the time of the House in considering whether the motion was constitutional or not; but he was apprehensive it would be burdensome to impose the duty on the President, who must feel very disagreeable to hear that after he had exerted his utmost abilities to give satisfaction, discontents had taken place. He hoped the gentleman from New York, who had hitherto shown himself so staunch a friend to the present Constitution, would not oppose the diffusion of knowledge and information amongst the people, upon an idea of a supposed deficiency in the revenue of the Post Office, for it might very

soon increase to a sum more than sufficient for the expenses of the establishment.

Mr. VINING said, that since this subject had been before the last House, during the recess, he had seen many lights thrown on it, and he was convinced that the members were as fully competent to judge of the matter as any one man could be; this, he thought a fact not now to be disputed, as well as that more satisfaction would be given to the country in general. There is no analogy between the United States and Great Britain, when the subject of the post roads and post offices are to be considered. This country, from its great extent and uncultivated state, as well as from a thousand other causes, is not at all similar to the situation of Great Britain; therefore, any attempt to imitate their regulations would be improper. With regard to the regulation being given to the President, two things should be considered; to a good President it would be a burden; to a bad President, a dangerous power of establishing offices and roads in those places only where his interest would be promoted, and removing others of long standing, in order to harass those he might suppose inimical to his ambitious views. The Constitution has certainly given us the power of establishing posts and roads, and it is not even implied that it should be transferred to the President; his powers are well defined; we create offices, and he fills them with such persons as he approves of, with the advice of the Senate. Having thus far stated his opinion, he would vote against the amendment to the bill; and when the first section was got over, he would propose a clause to be inserted in the second section, which he hoped would meet the ideas of the gentleman from New York, viz: that the cross-roads and offices should be so regulated as not to exceed the surplusage of the revenue of the general establishment. The doubt of the bill's not passing the Senate, should have no weight in his mind; he would rather fifty bills should be lost than shrink from his trust; and he hoped the House of Representatives would show their firmness in the present instance; and if the Senate should afterwards reject the bill, as they had done before, let them be answerable for their own conduct: they can do these things more gracefully than this House, as they are not seen in the act. Mr. V. concluded, by drawing another argument from that part of the Speech of the President, at the opening of the present session, which respects the post office and post roads, wherein he so warmly recommends it to the Legislature to take up the subject. This expression is as strong an argument as can possibly be adduced, to show that he had no other conception of the matter than that it was the peculiar privilege of the Legislature.

Mr. BARNWELL was not surprised that a diversity of opinions should prevail on such a subject; but that there should be any question respecting the constitutionality of the amendment astonished him. It was very natural to suppose members from the same State would differ in opinion, and this showed the greater degree of necessity there was to vest the power in the hands of a high re-

sponsible officer to determine upon it; for, by doing so, there would be less partiality exhibited in the delineation of the roads, &c. But, if left to the House, it would be almost impossible to reconcile any line to all parties; for the members from each State would probably be guided more by the principle of domestic convenience than by a sense of general good. In reply to Mr. V.'s argument, that it would be a burden to a good President, he thought it would be a pleasure to him to render service to his country. Upon the whole, he was in favor of Mr. SENEWICK's motion.

Mr. GERRY took a general view of most of the arguments in favor of the motion; replied to each; and concluded, by asking why the commercial interest only should be accommodated, and the inland inhabitants excluded from the advantages of post roads? Why one class of citizens should be preferred to another? The diffusion of knowledge and information is as necessary to one as to the other; and the revenue from the post office would increase from year to year, to defray the expense of the additional post roads which are proposed in the bill.

Mr. STEELE defended the committee who had reported the bill, and explained the grounds on which they had proceeded in laying out the roads for the general advantage of the United States, rather than to accommodate a few trading places only on the sea coast; and with regard to the route to Charleston, to which Mr. BARNWELL had objected, he said it would cause letters to arrive there four or five days sooner than by the old route.

Mr. BENSON observed, that the constitutionality of the amendment is denied, and it is said that the Legislature alone is competent to establish post offices and post roads; notwithstanding this, there is not a single post office designated by the bill. Much has been observed respecting the Legislative and Executive powers, and the committee are cautioned against delegating the powers of the Legislature to the Supreme Executive. Without attempting a definition of their powers, or determining their respective limits, which he conceived it was extremely difficult to do, he would only observe that much must necessarily be left to the discretion of the Legislature. He was very doubtful whether it would ever be in the power of the House to form any bill that would give satisfaction. This he spoke from experience; for it had been often tried in the old Congress, and was as often defeated by the partial and local clauses proposed by the different members. For these reasons, he believed it would be better to delegate the power, and let the regulations be made by the President, than to be enacting supplementary laws year after year, at the instance of individual members.

The Committee now rose, and obtained leave to sit again.

APPROPRIATION BILL.

Mr. LAURANCE, from the committee to whom was recommitted the bill making appropriation for the support of Government, for the year one

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thousand seven hundred and ninety-two, reported an amendatory bill; which was received, and ordered to lie on the table.

WEDNESDAY, December 7.

An amendatory bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two, was read the first and second time, and ordered to be engrossed, and read the third time to-morrow.

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House on the bill establishing the Post Office and Post Roads, within the United States. Mr. SEDGWICK'S motion being under consideration—

Mr. WHITE observed, that there was a necessity for changing many of the present routes of the post, and although gentlemen have said that information on the subject cannot be so well obtained from this House as from the Executive, because no one member knows all the roads, yet it must be allowed that every road is known to some of the members. The people of the United States have suffered too long under the present establishment; four hundred and eighty-six thousand inhabitants, on the western side of the river Potomac, in the State of Virginia, are deprived of the benefit of a post road: will any gentleman say that nearly half a million of persons shall not have the privilege of a post office, or the means of information? He would not go into any lengthy observations, as the subject had been so fully discussed yesterday. He declared his opinion that the House had a right to send a person to lay out the post roads, agreeably to their directions, and therefore hoped the amendment would be negatived, and that the bill would be gone through with, with such reasonable amendments as might be suggested.

Mr. LIVERMORE said, that gentlemen had drawn arguments from the second clause of the bill before it was yet under consideration, from which they endeavored to prove an absurdity in the first clause, and thus take an uncandid advantage of the liberality of the committee in leaving the appointment of the deputy postmasters and branching offices to the Postmaster General. If, however, there be any defect in the second clause, it can be amended when we come to it; but to attempt to bring forward this section as a bar to the adoption of the first, is an unfair mode of proceeding, and seems as if intended to throw the bill out at any rate. With regard to what has been said of the responsibility of a high Executive officer, he did not deny the wisdom and integrity of the President, who would, no doubt, conduct this as well as he had always done any subject committed to his care; but this would be a very troublesome business to impose upon him, and those who are desirous of doing it, are not acting a friendly part. The Constitution has pointed out one certain mode for the Legislature to proceed in, and it is more proper for the House to determine on

the subject than any one man; let the experiment be made for three years, or for ten years, and it will always be found in our power to amend the defects in the system as they arise to our view.

Mr. MADISON said, that the arguments which are offered by the gentleman who are in favor of the amendment, appear to be drawn rather from theory than any line of practice which had hitherto governed the House. However difficult it may be to determine with precision the exact boundaries of the Legislative and Executive powers, he was of opinion that those arguments were not well founded, for they admit of such construction as will lead to blending those powers so as to leave no line of separation whatever. The greatest obstacle to the due exercise of the powers vested in the Legislature by the bill, which has been mentioned, is the difficulty of accommodating the regulations to the various interests of the different parts of the Union; and this is said to be almost impracticable. But it may be remembered, that similar embarrassments appeared when the impost and tonnage bills were under consideration; on those subjects, the members were obliged to be governed, in a great degree, by mutual information and reciprocal confidence. In respect to the establishment and arrangements of the different ports of entry and clearance, and other objects, that was a business of much greater importance and difficulty than this; but it was accomplished. The Constitution has not only given the Legislature the power of creating offices, but it expressly restrains the Executive from appointing officers, except such as are provided for by law. As has been well observed by the gentleman from Delaware, the President is invested with the power of filling those offices; but does it follow that we are to delegate to him the power to create them? The reference to the appointments and arrangements made by the Executive, pursuant to the powers delegated to the Executive by the excise law, cannot be considered as a parallel case; no similar exigency exists to justify a similar delegation. The danger of infringing on the powers of the Executive, which has been suggested, and the caution to the House against touching on the appointment of officers, is a species of reasoning on the subject, which may be carried so far as to say that we ought not to make any appointments by law; and yet this has been done as in the instance of the appointment of the Commissioners for purchasing in the public debt, all of whom were appointed by the act making provision for the reduction of the public debt. Where is the necessity of departing from the principles of the Constitution in respect to the post office and post roads, more than in all other cases? The subject is expressly committed to Legislative determination by the Constitution. If the second section of the bill requires amendment, it can be rectified when it comes before us; and with respect to future cases, should there be a necessity for additional post roads, they can be provided for by supplementary laws; and therefore no reason on that account can be urged for delaying the provision proposed by the bill. He concluded by saying, that

there did not appear to be any necessity for alienating the powers of the House; and that if this should take place, it would be a violation of the Constitution.

Mr. SEDGWICK would make a few observations, which he felt himself obliged to submit to the consideration of the Committee, as well to defend himself as his motion, from the unwarrantable attacks which gentlemen had made on both.

The powers of the Constitution, he was sorry to say, were made in debate to extend or contract, as seemed, for the time being, to suit the convenience of the arguments of gentlemen. The member from Virginia, [Mr. MADISON] had discovered an additional quality of unconstitutionality involved in the motion under consideration. It was, *that the creation of offices was by the Constitution confined solely to the Legislature.* This position was undoubtedly just, if by it was meant *that the powers and duties of offices must be defined by law.* But he understood the gentleman to extend his meaning much further, and to have declared, in substance, *that all offices, however subordinate and dependent, must be numerically provided for by law.* The gentleman had, with his usual accuracy and precision, foreseen the application of his principle to the power which, on the same subject, had been delegated by the excise law, by which the Executive was authorized to parcel the whole country into districts, and to appoint the various officers necessary to execute the law. Nothing more was in that instance done, than to define the powers and duties annexed to the offices, but the limits to which their authority was to extend, and their number, was very properly left with the Executive. In that instance, such a delegation was indispensably necessary; nor was it, in his opinion, less necessary in the multifarious arrangements of post offices. That gentleman had supposed this necessity had in that instance justified the expedients; if so, the same conclusion might be drawn on the present occasion. But, for his part, if he should assume that member's opinions, he should be incapable of deriving consolation from the same source; for that there never had as yet been, and probably never would exist in the administration of this Government, a necessity so urgent as to authorize an usurpation of power. The motion before the committee was constitutional, or the reverse; if the latter, the same was true of the existing act in the instance alluded to. That in either instance, a supposed necessity could not justify the infraction of a Constitution which the members were under every obligation of duty, and their oaths, solemnly pledged, to support. Gentlemen should be very cautious how, on slight grounds, they assent to principles, which, if they were true, would evince that the Government had scattered through the whole country, officers who are daily seizing on the property of the citizens, by the assumption of unconstitutional powers. It was true, as had been observed by his friend from New York, [Mr. BENSON] that it was impossible precisely to define a boundary line between the business of Legislative and Executive; but from his own experience, as a public

man, and from reflection, he was induced to believe, that as a general rule, the establishment of principles was the peculiar province of the former, and the execution of them, that of the latter. He would, therefore, at least, generally, as much as possible, avoid going into detail. In adopting this as a general rule of conduct, he was not influenced by considerations which gentlemen in opposition to his motion had suggested—the pre-eminently great and good character of the MAN who was now called by unanimous suffrage to administer the Executive—for he had always considered that, with sagacious minds, that should be the season of political caution, when the Executive was in the hands of one to whom all hearts justly bowed. From the nature of the business to be transacted, he had drawn his conclusion; he thought an Executive officer, responsible to the public for the performance of an important and interesting trust, would inquire with more scrupulous caution, and decide with more justice, than could be expected from a popular assembly, who, from the nature of things, would be more remiss than consisted with a just determination; and he appealed to those gentlemen who were members of the last House, for a recollection of that apathy and torpor which prevailed on a former attempt to demark the post roads. He observed that the opposition to his motion on the ground of unconstitutionality, came with an ill grace from the gentleman who had reported the bill; for, by one section, the Postmaster General was expressly authorized to establish post roads not provided for by the bill, upon a condition that does not at all affect the present question; and by another section, the same officer was authorized to appoint, unrestrained, all his deputies, each of whom is to establish and keep an office. This, in his opinion, was not only expedient but indispensably necessary. It was, however, a delegation of power, attended by all those circumstances which rendered, in the opinion of that gentleman, the present motion unconstitutional. He said, no gentleman had contended for carrying into execution the principles they attempted to establish, to an extent to which they would go. *That no road can be a post road but such as shall be established by law.* The bill establishes the road from place to place, leaving the intermediate distance untouched; as for instance, from Boston to Worcester. Between those two points is, or is not, a post road, if the bill should become a law, established? If the former part of the dilemma is embraced, then also by the motion, if adopted, will a post road be established from Maine to Georgia. For he supposed it impossible to make any well-founded distinction between the one case and the other. His motion then would as effectually establish a post road in the intermediate space as the bill in its present form; and all the objections which had been made to the former, would apply with equal force to the latter. Gentlemen had spoken in strong terms of the disinterestedness, information, and respectability of the members of the House, and of the popular confidence which resulted therefrom. No man had a more respectable opinion of the Repre-

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representatives of the people than himself; he need not, however, observe to them, that they were men, subject to like passions and imperfections with their fellow-citizens. It could not have escaped the reflection of the committee, that the gentlemen who composed it, had a very important interest in establishing the directions of the post; that on the declarations of men thus interested, we must rely for the justness of our ultimate conclusions; on evidence of interested individuals, individuals who are, by their relation to the subject of inquiry, excluded, on principles of law, from all credit, must we rely for a knowledge of those facts which are to direct our judgment.

Mr. BOUDINOT and Mr. GARRY made some remarks, and then the question being taken, Mr. SEDGWICK'S motion was negatived.

THURSDAY, December 8.

An engrossed bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two, was read the third time, and passed.

Memorials of the several Societies "for promoting the abolition of slavery, for the relief of free negroes, unlawfully held in bondage, and for improving the condition of the African race," in the States of Rhode Island, Connecticut, New York, Pennsylvania, Maryland, and Virginia, were presented to the House and read, respectively praying that the African trade may be totally prohibited to the citizens of these United States, for the supply of slaves to foreigners; that foreign ships, destined for that trade, may be prohibited from sitting in the ports of the United States; and that proper regulations may be adopted for the humane treatment of slaves imported into the States admitting such importations. Referred to Mr. BENSON, Mr. BALDWIN, Mr. DAYTON, Mr. SMITH, of South Carolina, and Mr. LEARNED; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

POST OFFICE BILL.

The House having resolved itself into a Committee of the Whole, proceeded to the further consideration of the Post Office bill; and, after some time spent therein, agreed to establish the main post road as follows:

Wiscasset, Portland, Portsmouth, Exeter, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charlestown, Havre-de-Grace, Hartford, Baltimore, Bladensburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover court-house, Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, New Bridge over Drowning creek, Chew court-house, Camden, Statesborough, Columbia, Cambridge, Augusta, and Savannah.

The Committee then proceeded to consider the cross posts, pointed out in the bill; agreed to some,

altered others, introduced some additional ones, and then rose, reported progress, and asked leave to sit again.

FRIDAY, December 9.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act apportioning Representatives among the People of the United States," with several amendments; to which they desire the concurrence of this House.

The House again resolved itself into a Committee of the Whole House on the bill for establishing the Post Office and Post Roads within the United States.

The subject was further discussed, several motions for additional routes of the post were made, lengthy debates ensued; some of the motions were rejected, and others agreed to. The Committee rose and reported progress; and then the House adjourned till Monday.

MONDAY, December 12.

The Speaker laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the memorial of George Webb, referred to him, pursuant to an order of this House, of the twenty-fourth of February last; which were read, and ordered to lie on the table.

The petitions of sundry inhabitants of the County of Northumberland, in the State of Pennsylvania, were presented to the House and read, praying that so much of an act, passed at the last session, imposing a duty on spirits distilled within the United States, as respects the duty on spirits distilled from materials the growth or produce of the United States, may be repealed. Referred to the Secretary of the Treasury, for his information.

A petition of Charles Hateley, of the State of South Carolina, was presented to the House and read, praying that an exclusive prior right of patent may be reserved to him in a machine, which he has invented, for whitening or cleansing rice; provided he shall, within a reasonable time, comply with the requisites of the law, in such cases. Referred to the Secretary of State for his information.

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

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

It is with great concern that I communicate to you the information received from Major General St. Clair, of the misfortune which has befallen the troops under his command.

Although the national loss is considerable, according to the scale of the event, yet it may be repaired without great difficulty, excepting as to the brave men who have fallen on the occasion, and who are a subject of public as well as private regret.

A farther communication will shortly be made of all such matters as shall be necessary to enable the Legislature to judge of the future measures which it may be proper to pursue. GEORGE WASHINGTON.

UNITED STATES, December 12, 1791.

The papers referred to in the said Message were read, and ordered to lie on the table.

APPORTIONMENT BILL.

The House then proceeded to the consideration of the amendments of the Senate to the bill fixing the future number of Representatives.

The first amendment, to increase the ratio to thirty-three thousand, being read,

Mr. GERRY observed, that the bill had passed both the Committee of the Whole, and the House, by a large majority. The principle, as he was informed, on which the amendment had taken place in the Senate, was to reduce the fractions which would result from the ratio proposed by the House; but he said this difficulty had been fully considered in the House. The representation, every body knows, is now unequal, and it must be submitted to for two years longer; and now it is proposed, at that period, to deprive the people of that representation to which they are entitled by the Constitution. He thought that it was extraordinary, after the ratio proposed in the bill had been agreed to by the House, by so large a majority, a proposition to alter it should have been agitated and carried in the Senate. Till some better reason than he had heard assigned should be offered, he should be against concurring with the Senate; he moved, therefore, that the House disagree to the amendment of the Senate. The motion was seconded by Mr. WHITE.

Mr. LIVERMORE was in favor of agreeing to the amendment. He enlarged on the inequality in the representation from the great fractional numbers which would result from the ratio of thirty thousand. He was fully of opinion that the public business could be full as well transacted by one hundred and five members, the number which would be produced by a ratio of thirty-three thousand, as by one hundred and twelve or one hundred and thirteen, the number arising from the ratio of thirty thousand.

Mr. BENSON said, there was one idea which, if it had been considered in time, might have been adopted, and would perhaps have given very general satisfaction; and that is, that the Representatives of the United States shall amount to a certain number, according to the whole number of the people, say one to thirty thousand. This would have given a surplus number which might have been assigned to those States that have the largest fractional numbers. He had formerly voted for thirty thousand, but as the principle of equality was more particularly attended to in the amendment, he should now vote for the ratio proposed by the Senate. He observed, some States are stationary; the increased representation of the larger States, when once established, never will be receded from. This ought to be taken into serious consideration.

Mr. MADISON observed, that the idea of diminishing the fractional parts appears to be the only reason for the alteration proposed by the Senate. The aggregate of these fractions only has been taken into consideration; but, said he, if the fractions of any particular States will be augmented

by the amendment, which would be the case, he conceived that the argument amounted to no good reason for agreeing to it; and this, he said, would evidently be the fact.

Mr. WILLIAMSON was opposed to a concurrence. He observed, in general, that the operation of the amendment was to diminish the fractions to the Eastward, and increase those to the Southward. The Southern States had suffered so much under the harrow of speculation, that he hoped no measure would be adopted to lessen the means of information to the people of those States, by denying them that proportion in the representation to which they are entitled. He regretted that some of the Southern States were not fully represented at this time in the Senate; he thought it probable, had it been otherwise, that a different decision would have taken place.

Mr. WHITE observed that the amendment would operate generally against the larger States.

Mr. SENDWICK differed from those opposed to the amendment. In his statements respecting the fractional parts to be produced by thirty-three thousand, he said they were fewer on the whole than would result from any other number between thirty and forty thousand, and those numbers both included; and this figures would demonstrate. Hence he deduced a greater degree of equality, and relative justice between the several parts of the Union. He disclaimed all local motives, and suggested the propriety of gentlemen forbearing any imputations of that kind, as totally alien from the subject.

Mr. BOUDINOT defended the amendment, and observed that the Senate were in the legal exercise of their office when they passed it, and had most undoubtedly a right so to do. He read several calculations to show that the aggregate of the fractions would be reduced upwards of ninety thousand, by a ratio of thirty-three thousand, and that the fractions in every State, except one, would be diminished also by it. He adverted to the circumstance of the Southern States deriving so great an advantage from the Representatives they are entitled to by reason of their possessing slaves; and though he would not do any thing which would interfere with the Constitution on that point, every dictate of justice and equality was opposed to giving an unnecessary and undue advantage to the Southern States in this matter.

Mr. FINDLEY said, he had expected to hear something new on the subject, to induce an alteration in the opinion of the House, but had heard nothing. Fractions were fully considered before, both in the House and in the Committee. This he considered as one of the lesser matters pertaining to the subject. The best way would have been to have settled the ratio without knowing the numbers of the people in the several States; though that could not be done, as the numbers are known, yet he said he had made it the rule of his conduct in voting. The principle being established, there will be no room for combinations, nor any ground for complaints and reproaches respecting either Southern or Northern interests. He was for adhering to the principle as that contemplated in the Constitu-

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tion—and this he conceived the House had done—and he hoped they would not depart from it; and as to fractions, in competition with that principle, he considered them of very little consequence. He did not deny but a smaller number of Representatives would be competent to doing the public business; but despatch of public business, and a Republican representation of the people, he conceived were distinct things; he therefore should have been in favor of a larger representation. He controverted the right of the Senate to decide for the House in regard to this question—it was not a question of right and privilege—it appertains principally to the Representative body. He then considered the question as it respected the Senate—and he thought that a large representation was necessary as a barrier to the influence of that body; nor do I, said he, think this an unreasonable jealousy, when the constitution of human nature is considered. The Constitution of the United States is express on the subject, and now is the time when the people ought to enjoy the advantages of the representation of one to thirty thousand. Another consideration to induce a large representation, he deduced from the accumulation of money capitals in the United States, which have been increased beyond all parallel; the influence of these capitals will find its way into the House. He hoped no alteration would be made in the determination of the majority of the members.

Mr. GOODHUE said, the difference between the result of the two ratios was so small, that he did not conceive it would constitute a sufficient reason for disagreeing to the amendment. He stated that the difference between the Southern and Northern States, on the ratio of thirty thousand, was beyond all reason in favor of the Southern States; whereas the difference on that of thirty-three thousand was very small indeed, in favor of the Northern States; which evidently demonstrated that the principle of equality was involved in agreeing to the amendment of the Senate.

Mr. HILLHOUSE stated various particulars to show the inequality of the representation by thirty thousand, particularly as it respects the smaller States. He said he rejoiced that the Senate had given their opinion on the subject; they had a right to do it; they are the Representatives of the people, and on this question are probably more impartial judges than this House.

Mr. GERRY still supported his motion for a disagreement. He stated a case to show that in the ordinary course of population, a State at the next enumeration, which now contains three hundred and thirty thousand, will then have a much larger fraction, by a ratio of thirty-three thousand, than any now contemplated. He supposed the Senate had a different interest in this matter from that of the House. The larger States not being represented in the Senate, and the representation of those States which are stationary, or nearly so, being full—is the reason of this proposed amendment.

Mr. AMES observed, that he thought the only question was to consider whether the bill, as sent from this House, was a proper one; for, as to a

smaller or larger representation, he considered all debate on that precluded, as the only difference was between one hundred and five and one hundred and thirteen. He then entered into a consideration of the bill as it respects equality; he asserted that the bill was not only improper as unequal, but was also unconstitutional. To show the inequality of the bill, he observed that Virginia, with six hundred and thirty thousand inhabitants, would have as many members as six of the smaller States, whose aggregate numbers exceeded those of Virginia upwards of seventy thousand. This inequality amounted to a direct violation of the Constitution, which expressly declares that representation and taxation shall be according to numbers. He amplified this idea, by showing how it would operate, if strictly adhered to in the assessment of taxes.

Mr. WILLIAMSON still contended, that the deduction from the bill was two members from the Eastern and four from the Southern States, which plainly showed that the amendment was in favor of the Eastern States; and added, that if the Southern States had been represented in the Senate, the bill would not have been sent back.

Mr. NILES suggested an amendment to the amendment of the Senate, which was to strike out *one* after the word "Delaware," and to insert *two*. This he was influenced to move, from the consideration of the manifest inequality of the representation of that State, compared with that of other States, particularly Virginia. He had no doubt, from the justice of the House, that if the amendment he proposed was not directly contrary to the Constitution, it would be agreed to. He then adverted to the Constitution, and read the passage respecting representation and taxation, which are to be apportioned according to numbers. He observed that there were evidently wanting to complete the sentence, these words, *as nearly as may be*—with this explanation added, he went on to show that the principle of equality would be more strictly adhered to, by admitting his amendment, than by rejecting it—for if Delaware contains fifty-eight thousand inhabitants, twenty-eight thousand were certainly nearer to thirty-three thousand, than thirty-three thousand were to fifty-eight thousand. He recited other passages of the Constitution, to show that his idea was compatible with it.

Mr. BENSON again suggested his proposition, of apportioning the representation according to the whole population. He was in favor of a large representation. The principle advanced by the gentleman from Pennsylvania (Mr. FINDLEY) was undoubtedly just, that a large representation was necessary in a free Government, for information and security—this principle is not to be disputed. And with respect to the danger from corruption, undoubtedly patronage and influence would creep in; but he conceived that danger of a more serious nature was to be apprehended from another quarter. Gentlemen had mentioned the funding system. In questions of that kind, where one part of the Union thought themselves the only sufferers, the liberties of this country would be but a secondary consideration. For, in a Republican Govern-

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ment, the majority must rule, and the minority must submit, except they are oppressed, and then they have an undoubted right to resist.

Mr. GILES defended the bill. He observed that the apparent inequality in the representation of the smaller States, was rendered equal by their representation in the Senate. He enlarged on the idea of adhering to the amendment proposed to the Constitution. The inequality spoken of was, in fact, in favor of the smaller States. He adverted to the restive spirit in some of the States. Some of the measures of Congress, were so disliked, that the people in those States wished themselves separated from the Government. The people of the State from which he came, were so impressed with the idea of the ratio being settled agreeably to the bill, that he really feared the discontents of the people there would be increased to an alarming degree, should the amendment of the Senate be agreed to.

At this point the consideration of the amendments was postponed till to-morrow.

TUESDAY, December 13.

A petition of John Frederick Amelung, proprietor of the glass manufactory, at New Bremen, in the State of Maryland, was presented to the House and read, praying the patronage of Congress to his undertaking, and that Government will assist him with a loan of money, or other means, to further the same.

Ordered, To lie on the table.

A memorial of James Wilson, and others, in behalf of the Land Companies of the Illinois and Oubache, was presented to the House and read, praying to be permitted to exhibit the titles of the Companies to certain Western lands, heretofore purchased by the said Companies, under the sanction of lawful authority; and also to make certain proposals for a reasonable compromise, between them and the United States. Referred to Mr. LIVERMORE, Mr. FITZSIMONS, and Mr. CLARK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

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

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

I place before you the plan of a City that has been laid out within the District of Ten Miles Square, which was fixed upon for the Permanent Seat of the Government of the United States.

G. WASHINGTON.

UNITED STATES, December 13, 1791.

APPORTIONMENT BILL.

The House proceeded to the consideration of the amendments, proposed by the Senate, to the bill "apportioning Representatives among the people of the United States."

Some debate having taken place respecting the regularity of a resolution moved by Mr. BENSON, for apportioning among the different States (according to their respective numbers) the whole

number of Representatives produced by the gross amount of the aggregate population of the United States,

Mr. SARGWICK moved to amend the Senate's amendment by inserting two members for the State of Delaware, instead of one.

In favor of this motion, it was observed, that the injury arising from unrepresented fractions of population is more severely felt by the smaller than by the larger States, as in the case of the State of Delaware, to which the bill allowed but one representative for 50,000 inhabitants, whilst the larger States would be much better represented, as their fractions would be divided among a greater number of Representatives. By the amendment proposed to the Constitution, a latitude was given to Congress in this particular, allowing them either to apply the ratio to the aggregate amount of the general population, and then to apportion the representation to the different States, as nearly as they could approach the ratio once established, or to apply the ratio to the population of each State; and if, in case of applying the ratio to the aggregate number of the inhabitants of the United States, the number of Representatives was found to be exactly one hundred, it appeared doubtful whether Congress could well avoid adopting the former mode; otherwise, it would be impossible to apportion the representation to the population with exact precision. Even if the United States were to be divided into districts of thirty thousand inhabitants each, there would still remain a fraction, and inequality, somewhere or other, must be the consequence.

In the bill, it was said, a manifest inequality appeared, as it allowed Virginia to elect twenty-one Representatives, whereas, according to the proportion which her population bears to that of the United States in general, she is entitled only to nineteen. The Constitution has said that "Representatives and direct taxes shall be apportioned among the several States according to their respective numbers." But if taxation were to be apportioned in the same manner as the representation is by the bill, the inequality would be striking, and such as never would be submitted to. Rhode Island, for instance, being represented by two members, would have to pay \$60,000; whilst Delaware, having but a single Representative, would pay only \$30,000, although the difference of population is so small between those two States—Rhode Island having only about 68,000 inhabitants, whilst 50,000 are found in the State of Delaware. The time may come when the safety and good order of Government will require the imposition of direct taxes. But how can any such taxes be laid without a new census and a just apportionment of the representation? Before these steps could be taken the measure might be too late; and it would be unwise in the present Congress to pass any law that may, at a future day, deprive the House of one of its constitutional powers—the power of laying direct taxes. It was further observed, that the Constitution itself did not seem to exact so rigid an observance of the ratio as to require that any State should be deprived of

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a Representative merely on account of a trifling deficiency in the number of inhabitants. It appeared visibly to contemplate such a deficiency, and that there might be States whose entire population would not amount to the ratio that might be fixed on. Still, it had provided that such States should not remain unrepresented; but that, however small the population may be, "each State shall have at least one Representative." The Convention themselves, who framed the Constitution were not such scrupulous observers of trifling fractional differences, when they apportioned the representation; for, although, by the estimate of population, which was the ground of the apportionment, the State of New Jersey was, strictly speaking, entitled only to three members; yet, as she had a large fraction remaining, she was allowed four.

In opposition to the proposed amendment, it was said that the Constitution never contemplated a minute attention to fractions; that the weight given to the smaller States in the Senate was a concession, to compensate for any inequality that they might be subject to in the other branch of the Legislature; that the Constitution points out the apportionment according to their respective numbers of the several States; that to allow a Representative to be chosen by a less number than thirty thousand, would be an open violation of the express words of the Constitution. Even if it were not unconstitutional, yet it never could, as a permanent rule, answer the purpose for which it was intended. The same difficulty would again recur on other occasions; for, if it were laid down as a rule, that an additional member should be allowed only for a fraction above fifty per cent., it might happen that there would be found in one State a fraction of 15,001 inhabitants, and in another the precise number of 15,000. Suppose the State of Delaware to be in the latter predicament, she would have a representation of only one member for 45,000 inhabitants, whilst another State, whose fraction was 15,001, would be represented in the ratio of one member for less than 30,000.

The Constitution directs that taxation shall be apportioned among the individuals in the several States; whereas representation is to be apportioned to classes of thirty thousand in each State, and this according to a census first actually taken. Hence, as the one apportionment was intended to operate upon States, and the other upon individual citizens, any difference in the apportionment could never curtail the authority of the Government with respect to taxation. As to the inequality said to arise from one large State having as many Representatives as six smaller States, any argument drawn from that circumstance must lose its force, when it is considered that the six lesser States, sending twelve members into the Senate, possess three-sevenths of the whole governmental influence of that body, (which is much more considerable than that of the House of Representatives,) whereas the large State, having only two members, can possess but one-fourteenth part of the Senatorial influence. This circumstance operates to the disadvantage of the largest State, and

in favor of the smaller ones, which have, therefore, no reason to complain of an inequality that exists but in idea; or if it does exist at all, bears heavier on the larger State, to which a small advantage in the House of Representatives can hardly be deemed a sufficient compensation for the loss it must necessarily suffer in the Senate. The proposed amendment would but increase that inequality, by giving a greater proportion of influence to the smaller States, which already possess more than their due share of it, and derive this advantage from the very circumstance which is complained of as productive of inequality in the House of Representatives. On a former occasion, a proposition had been made to correct that supposed inequality, by allowing the State of Delaware two members in the House. It was made at a time when no local interests could be supposed to influence the decision; and it was then declared to be unconstitutional, unless that State should be found to contain sixty thousand inhabitants.

The question being taken on Mr. SEDGWICK'S amendment, was lost.

The question was then put on agreeing to the Senate's amendment, and passed also in the negative; after which, the Committee rose, and reported accordingly.

WEDNESDAY, December 14.

Mr. SEDGWICK, from the committee to whom were referred certain propositions of amendment to the Constitution of the United States, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the relief of David Cook and Thomas Campbell;" and the same, being twice read, were agreed to.

APPORTIONMENT BILL.

The House then proceeded to consider the report of the Committee of the Whole, on the amendments proposed by the Senate to the Representation bill. It was moved, that the amendments proposed by the Senate, with the report of the Committee of the Whole thereon, be recommitted to a Committee of the Whole House; and on the question to agree to this motion, it was carried in the affirmative.

Mr. VINING moved this amendment—to strike out "thirty-three thousand," and to insert:

"That Representatives be apportioned among the several States as follow: that is to say, New Hampshire shall choose five, Massachusetts sixteen, Connecticut eight, Rhode Island two, Vermont three, New York eleven, New Jersey six, Pennsylvania fourteen, Delaware two, Maryland nine, Virginia twenty-one, Kentucky two, North Carolina twelve, Georgia two."

On the question to agree to this amendment, it passed in the negative. The Committee then rose, and the Chairman reported.

Mr. VINING renewed his motion in the House; where it was again negatived—ayes 23, noes 37. And on the question to agree to the first amend-

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ment of the Senate, the yeas and nays being demanded, it passed in the negative. The yeas and nays were as follow:

YEAS.—Messrs. Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Israel Jacobs, Aaron Kitchell, John W. Kittera, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Messrs. John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Elbridge Gerry, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridine, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

The second amendment, after the words "South Carolina," to strike out "State" and insert "district," was agreed to.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

THURSDAY, December 15.

The House again resolved itself into a Committee of the Whole House, on the bill "For establishing the Post Office and Post Roads within the United States."

Mr. VINING's motion for striking out the second section, which empowers the Postmaster General to establish additional post roads, for the purpose of substituting a clause making it his duty to report to Congress, from time to time, such cross post roads as may appear necessary, with information respecting the amount of the income of the Department, and the expense of such additional post roads, was taken into consideration. After some debate, the second section was struck out; and the substitute being withdrawn, a clause proposed by Mr. FITZSIMONS, in lieu thereof, empowering the Postmaster General, under certain restrictions, to form contracts for extending the line of posts, was adopted. The Committee then rose and reported progress.

A message was received from the Senate, informing the House that they had taken into consideration their first amendment to the Representation Bill, which was disagreed to by the House, and do insist thereon.

FRIDAY, December 16.

A petition of Robert McCulloch was presented to the House and read, praying to receive certain arrears of pay as a soldier; and, also, relief in consideration of wounds received in the Army of the United States, during the late war, which have rendered him incapable of obtaining a livelihood by labor. Also,

A petition of Joseph Liplong, assignee of Dixon Nailor, who is administrator of the estate of John Nailor, deceased, praying a liquidation and payment of the accounts of the said John Nailor, for pay and depreciation for his services, as a soldier in the Army of the United States, during the late war. Referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

THE POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House, on the bill "for establishing the Post Office and Post Roads within the United States."

[The following is a condensed view of the arguments made on striking out the section which gives to members the privilege of franking.]

When the bill under consideration is once passed into a law, it is presumable that no gentleman will ever ask a member to frank for him, as he cannot grant the request consistently with his honor; the apprehension entertained of the existence of abuses, and of their increasing with the increase of numbers, would be an argument equally valid against every law; for no law can be framed, as that the people will not find means to evade it. But still the Legislature will have the power of correcting the abuses, as soon as discovered, by passing new laws to check them. The committee, who drafted the bill, had before them all the acts of the British Legislature, respecting the post office; they saw the abuses and how they had been remedied; and with such light to guide their steps, they had proceeded in the execution of their task. The privilege of franking they had introduced into the bill, upon mature consideration; to take it away would be levelling a deadly stroke at the liberty of the press; the information conveyed by franks, may be considered as the vital juices, and the channels of the post office as the veins; and if these are stopped, the body must be destroyed; it is treading on dangerous ground, to take any measures that may stop the channels of public information, especially of that which relates to matters in which the people are interested; to check the circulation even of foreign intelligence may be dangerous; but it is highly so, to deprive the people of information respecting the measures of the General Government; nor ought the members to complain of being obliged to read so many letters and petitions as come to their hands in consequence of the exemption from postage. If any gentleman thought this a heavy task, he ought to remember that it was only his duty, and a task which every member had undertaken when he accepted a seat in the House.

The privilege of franking was granted to the members, not as a personal advantage, (for in fact it proved rather a burden,) but as a benefit to their constituents, who, by means of it, derive information from those who are best qualified to give it, as they are the persons chosen to administer the General Government. The members also receive useful information through the same channel. When the impost law and the excise law were under consideration, many persons, who were bet-

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ter acquainted with the operation of such laws, transmitted to the House much valuable information on those subjects; and to such information the House ought ever to be open; as, on the other hand, the motives for adopting certain measures, ought always to be explained to influential characters in the different parts of the Union. Such conduct will produce the most salutary effects in reconciling the people to the measures of Government, when the principles upon which every law is framed, are explained to them, as well by the correspondence of the members, as by their debates, published in the newspapers. It is the duty of the members to disperse the newspapers among those people who cannot, perhaps, otherwise obtain them, under the protection of franks. Even along the post roads, the common packets of newspapers are not safe from depredation; but when once they get into the interior parts of the country, there is hardly any chance of their escaping; whereas, under cover of a frank, they are sure to reach their destination in safety.

If the privilege were confined, during the session, to letters sent from and received at the seat of Government, and the members limited to their own letters, and obliged to write the whole superscription, the increase of the apprehended abuses would be prevented; if it were further restricted, by limiting it to those letters only that are sent to or come from the State to which the member belongs, this would convince the people, that the privilege was intended for the benefit, not of the members, but of their constituents.

Further, it was observed, that every argument, which might be adduced in favor of withdrawing the privilege from the members of Congress, might be used with equal force in the cases of the President, Vice President, and every other public officer, mentioned in the same section. If the allowance of six dollars per day was a reason for subjecting the members to the payment of postage, every public officer ought also, on the same principle, to pay for his letters, as they were all compensated with equal liberality. If abuses were apprehended from the members, others were as likely to introduce them as they; if an increase of revenue was contemplated, the postage of all letters to and from the President, the Vice President, the Secretaries of State, of the Treasury, of the Department of War, &c., would contribute to that increase; but, on the other hand, those gentlemen must have their compensations increased, if their letters were to be taxed; for they could not be expected to pay for them at their own expense. If the privilege can be guarded against abuse, with respect to those officers, it can also be guarded in the case of members of Congress.

The establishment of the post office is agreed to be for no other purpose than the conveyance of information into every part of the Union; and a greater portion of that had been conveyed into many of the interior parts of the country, by the newspapers sent by the members of the House, than could be conveyed by other means, excepting on the main roads on which stages go. That information had proved highly serviceable

to the present Government; for wherever the newspapers had extended, or even the correspondence of the members, no opposition has been made to the laws; whereas, the contrary was experienced in those parts to which the information had not penetrated; and even there, the opposition ceased, as soon as the principles on which the laws had been passed, were made known to the people.

As long as the privilege can be thus used for the general advantage of the citizens, it ought not to be relinquished by the members merely through fear of its being thought a personal privilege; it might be confined to members actually attending the session; they might be obliged to write the whole superscription, and even to add the date. In short, the wisdom of the House, it was hoped, would prevent all the evils apprehended from it, and retain the advantages.

The question being taken on the motion, for withdrawing the privilege from the members, it passed in the negative—yeas 21, nays 35.

MONDAY, December 19.

APPORTIONMENT BILL.

The House proceeded to consider the message sent from the Senate on Thursday last, notifying that the Senate insist on their amendment, disagreed to by this House, to the bill, entitled "An act apportioning Representatives among the People of the several States, according to the first Enumeration;" and the said amendment being read, as follows:

"Strike out the first section and substitute the following:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the 3d day of March, 1793, and until otherwise provided for by law, the House of Representatives shall be composed of Members who shall have been chosen by the People of the several States, in the proportion of one Representative for every thirty thousand persons, in each State, computed according to the rule prescribed by the Constitution of the United States: that is to say, from the State of New Hampshire four members, the State of Massachusetts fourteen, the State of Connecticut seven, the State of Rhode Island two, the State of New York ten, the State of New Jersey five, the State of Pennsylvania thirteen, the State of Delaware one, the State of Maryland eight, the State of Virginia nineteen, the State of Kentucky two, the State of North Carolina ten, and the State of Georgia two members;"

Mr. AMES said, the amendment proposed by the Senate, though a single proposition, involves two questions, which it will be proper, on this occasion, to discuss distinctly.

Is the bill wrong, as the House passed it? and is the proposed amendment of the Senate fit and proper?

The original bill gives the ratio of one member to thirty thousand persons, and proceeds to state the number of Representatives which the respective States shall have in the next Congress. If in this distribution of members it shall appear that we have not pursued the Constitution, the bill is

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a bad one, and it is our duty to concur with the Senate, at least in striking out the exceptionable part.

The Constitution directs that Representatives shall be apportioned among the several States according to their respective numbers. The whole number of Representatives being first fixed, they shall be apportioned to any State according to its census. The Rule-of-Three will show what part of the representation any State shall have. The wisdom and caution of the Constitution have left very little to Congress in this affair. Though Congress is to apportion the members, the rule of apportionment is fixed; the number of Representatives will be one hundred twelve. These are to be apportioned to each State according to its numbers. What part of the one hundred and twelve members will Virginia have according to its people? The answer is easily found. Virginia, having six hundred and thirty thousand persons, (which is her Federal number, after deducting two-fifths for the slaves, according to the Constitution,) is entitled to nineteen members. The bill gives her twenty-one. Is that right? Who will say that the words or meaning of the Constitution are pursued? Are the Representatives, then, apportioned or disproportioned? We may believe the result of figures. The sum is short and easy to reckon. Let us not, then, persist in a measure which palpably violates the Constitution. The argument might stop here; but, to show how other States will be wronged by the bill, it may be well to proceed. If the Constitution had been silent—as we are men common sense would have told us, and as we are freemen we should have learned from our habits of acting, that an unequal representation is wrong. But the Constitution is not silent; and yet the bill gives Virginia twenty-one members.

The States of Vermont, New Hampshire, Rhode Island, Connecticut, New Jersey, and Delaware, have seven hundred and sixty-six thousand four hundred and twenty-eight persons, and they will have by the bill only twenty-one members. With upwards of one hundred and thirty thousand persons more than Virginia, they will have no more members than that single State. Thus Virginia has by the bill two members more than her due number compared with the whole Union, and not less than four as it respects the six States before mentioned.

From this view of the operation of the bill I draw this conclusion, which I presume is anticipated, that the proposed distribution of Representatives is neither just and equal in itself, nor warranted by the Constitution. If further evidence of this injustice should be demanded, it can be furnished. Representatives and direct taxes are to be apportioned by the same rule; and there is a manifest propriety in the rule. In the distribution of benefits and burdens, the Constitution has wisely excluded this means and temptation to partiality.

It is an additional security to our property that those who hold the power are made to feel it when they exercise it, and that exactly in the de-

gree that they hold it. Taxes are to be apportioned according to the numbers in the respective States. It would not be allowed by the Constitution to use one rule for apportioning taxes, and another for the members. If two things are to be compared with a third, and made equal to it, it follows that they must be equal to each other. Let us suppose this bill to have become a law; and, for the more plainly showing its tendency, let us suppose Virginia to have six hundred and thirty thousand persons, (her true number,) and twenty-one members, and the thirteen States to have—as Delaware actually has—fifty-nine thousand persons each, and one member to each State; in the whole one million three hundred and ninety-seven thousand persons: let us suppose a tax to be laid equal to one dollar for each person in the fourteen States—that is, a tax of \$1,397,000—Virginia, in point of justice, and by the Constitution, should pay only according to her numbers, or \$630,000; yet she would pay twenty-one parts in thirty-four, or \$1,007,000, being \$377,000 more than her proportion. Whether with twenty-one members in thirty-four this wrong would be imposed or submitted to, is not my question. This may be called an extreme case; yet in fact Delaware, New Jersey, Connecticut, New Hampshire, and Vermont, on a tax equal to one dollar a head, would avoid more than \$150,000 of their just proportion: the justice and the constitutionality of such an apportionment of taxes are upon an equal footing.

Extraordinary as this statement may seem, it is not easy to show an authority in Congress to apportion a tax on any other principle. It would not do to deprive a State of its proportion of members, and yet to saddle it with taxes according to numbers. The departure from the rule of the Constitution in the case of Representatives, would be rendered both more flagrant and more galling by an adherence to it in the imposition of taxes. Such a comment upon this law would silence its advocates—such an execution of it would disfranchise the sufferers. But this is not the country, and I trust this is not the Government, to do a violence of this sort; therefore no tax would be laid: and yet, unless a new census should be taken, or a new law, at least, for apportioning Representatives should be passed, Congress might be found destitute of one of its constitutional faculties.

The gentlemen who vote for this law have been importuned to defend it. Anxious as we are, under the fear of seeing the Constitution and our primary civil rights violated, we have listened to hear reasons which would show some respect for the one and the other. It is needless to decide whether men's passions will be soothed, or their understandings convinced, by an argument of this kind: that, as the small States are equally with the large ones represented in the Senate, the advantage which the bill will secure to Virginia in the Representative branch is fit and proper, and that it was so intended by the Constitution. Is one inequality, if it really existed, to be balanced by another? Because the Constitution has se-

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eured to each State an equal vote in the Senate, are we at liberty to make a new Constitution as often as we make a representation law, to counterpoise it? and under a form of Government contrived to secure equal liberty, and to fix right above opinion, are the measure and the nature of this retribution to the great States to depend on our arbitrary discretion? This answer is perhaps more serious than the argument. Let it be refuted by itself.

Because the great States suffer wrong in the constitutional compact, will this bill do them right? Is Massachusetts or North Carolina benefited by giving Virginia two extra members? By this bill, the great States are injured as well as the small ones. The small ones are injured as it respects each other. Delaware will have one member, Rhode Island two; yet the latter has only nine thousand more people than the former. But the doctrine tears up the foundation of compact on which we stand, and, under the appearance of vindicating the bill from a charge of violating the Constitution, establishes a claim to violate it at pleasure.

It has been said that the Representatives are to be apportioned among the several States; that Congress is not to regard the number of the whole nation. It is not easy to see how the bill can be defended on any principle of distribution among the States. The Representatives are to be apportioned according to numbers. The number of members allotted to a State must correspond either with the number of persons in any other State, or the number in all the States. Compare Virginia with either of the six States before mentioned, or with the whole six. It appears that 130,000 persons in the latter will go unrepresented. Compare Virginia with the nation, she has two members more than her proportion. Why, then, is it so zealously contended that the apportionment is not to be made upon the entire number of the Union, but upon the census of each State? The bill is as naked of defence on the one comparison as the other. It departs as widely from the principles of its advocates as from those of its adversaries.

It is indeed intimated that you are to take the ratio of 30,000, and to apply it to each State, without regarding its operation. To justify this interpretation, the text of the Constitution ought to read, *Each State shall have as many members as the ratio of thirty thousand, applied to the number of persons, will give it*; but that instrument is very differently expressed, and much better: "*Representatives and direct taxes are to be apportioned among the several States according to their respective numbers.*" Will any gentleman who votes for the bill say that it is such an apportionment? Will it accord with the Constitution to take, instead of such an apportionment, an arbitrary ratio, which, instead of apportioning, disproportions Representatives to numbers? The ratio mentioned in the Constitution, and in the proposed amendment to it, evidently relates to the whole number of Representatives which according to it may be had from the whole nation, and not from

the number of people in a State. Any other sense, besides being unnatural, would disagree with the clause which directs how Representatives shall be apportioned.

By the ratio of one to 30,000 may be known the greatest number of Representatives which shall form this branch of the Government. Having determined the number, it remains to apportion the members according to the census in the respective States. Nothing is more natural, or corresponds more perfectly with the Constitution, than to find first the whole number of Representatives, and then to apportion them as the Constitution directs. But this method would not suit the present emergency; for that would give Virginia nineteen members, and no more. Instead of beginning with the whole number, the bill says, let us begin at the other end: give to Virginia her twenty-one first, and, if the number should hold out, give to all the States at that rate. It seems, on trial, the number will not hold out to apportion in that manner. Still, however, says the bill, give Virginia her twenty-one.

Let the Constitution become what the bill makes it, a dead letter. Still, however, men, and freemen, will remain, who will preserve the departed spirit; for, before the Constitution was formed our rights were equal; and can it be believed that compact has made them less? Men equal in rights assented to a Government which preserves them equal in power. Thirty thousand citizens, residing where they may, must possess civil rights and powers equal to thirty thousand in any other part of the Union; yet, though a compact which ought to be inviolable, has ordained that representation, that is to say, power, shall be apportioned according to numbers, this bill, contradicting the language of nature and compact, directs that thirty thousand in Virginia shall have as much power as near sixty thousand in Delaware and several other States.

It would ill suit the seriousness of my present emotions to say how little the supposed expediency of a numerous assembly and many other favorite topics have to do with the debate. Constitutional questions are so frequent they have almost lost their power to impress us. But this touches the first organization of the body politic. It goes to stifle liberty in her cradle. It establishes the power of a part over the whole. It is a disfranchisement of some of the States. If the rights of Virginia were invaded, I trust I should be equally zealous to maintain them. For the common right is the common security; but this bill tears the title deed in pieces.

Having compared the bill with the Constitution, and seen the result of the comparison, it remains to inquire what amendment will be proper and constitutional. In this part of the inquiry I will not pretend to say that I have arrived at equal certainty. I have no doubt that the bill is bad, but I am not equally satisfied of the best mode of amending it.

To determine what is right, some principle must be ascertained. That first principle is equality; it is another name for justice. That which is the

right of the people, therefore, is the duty of the Government. But, as it is not practicable to apportion Representatives exactly among the several States, according to their numbers, it is our duty to approach as nearly to that equality as may be. If an apportionment is proposed, and it can be shown that a more equal one can be made, it becomes our duty so to make it. For, if we have an arbitrary discretion to reject the most equal apportionment, and to adopt a less equal, what is to restrain us from choosing the least equal of all, that is to say, having no apportionment at all. If this principle is not to govern us, then we are to act without any rule at all, and the Constitution was made in vain. We cannot have more representatives than one to 30,000; but, in apportioning them, let us follow the Constitution, and do it according to numbers; and, when we stop, as we must, short of a perfect equality, it will be the Constitution that restrains us. In doing this, we shall assume no arbitrary control over the equal and sacred rights of the people. We shall have done all that we can to give them energy. It has appeared, on discussion, that the rule of 30,000, proposed by the bill, is so far from being the most equal, that no more capricious and unjust disproportionment of Representatives has yet been suggested. The ratio of 33,000, though not free from exception, is less unequal, and leaves less unrepresented fractions.

The amendment (Mr. BENSON'S) which was proposed to the amendment of the Senate would increase the Representatives to one hundred and nineteen. Two objections have been made to this increase. It has been called a representation of fractions, and a number of changes were rung upon the idea. It has also been said to be as disproportionate a representation as that given by the bill.

As to the first objection, it is a mere play upon the word *fractions*; for, if the effect be, as it will appear to be, to produce a more equal representation, it may be retorted that the bill gives a representation by fractions; whereas the other mode makes one hundred and nineteen whole parts, nearly equal to each other, and gives a member to each.

This brings me to the next objection, and which has been strenuously urged against having the amendment of one hundred and nineteen members: that it will be as unequal as the bill. Then, I shall think as unfavorably of it. We should not hesitate to renounce them both.

But figures will show with certainty whether it is true that the amendment which proposes to add one member to seven of the States will operate as unequally as the bill. To refute this, I have made a table in which are seen the effects of the two plans which are to be compared.

Mr. AMES then read the following statement:

Ratio of Representation.

"The amendment proposed in the House to the amendment of the Senate will make an addition of one member to each of the following seven States:

"In the fifth column of figures is the ratio according

to which each State will be represented, in case the bill should pass as it stood when it was sent to the Senate.

States.	Members.	Numbers lost on each member by the bill.	Ratio of the House.	Lost numbers, or fractions.	Ratio by the amendment which adds seven members.	No. short of 30,000 for each member.	
N. Hampshire	5	5,455	35,455	21,820	28,365	1,635	
Massachusetts	16	1,919	31,919	25,327	29,924	291	
Connecticut -	8	4,223	34,223	26,841	29,805	195	
Vermont	3	12,766	42,766	25,583	28,511	1,489	
New Jersey -	6	5,911	35,911	29,559	29,826	174	
North Carolina	12	2,138	32,138	23,522	29,460	540	
Delaware	2	25,539	55,589		27,769	2,231	
	52	according to the amendment.					

"The following States, to which the rejected amendment makes no addition, stand thus:

States.	Members.	Ratio.	Total loss by the ratio.
New York - - -	11	30,144	1,584
Pennsylvania - - -	14	30,919	12,866
Maryland - - -	9	30,946	8,514
Virginia - - -	21	30,026	546
	55		
Kentucky - - -	2	34,352	8,704
Georgia - - -	2	35,421	10,842
Rhode Island - - -	2	34,223	8,447"

Mr. AMES then remarked, that, if the ratio of 30,000 deserved so much respect as gentlemen had declared was due it, because the amendment of the Constitution has adopted it, they cannot forbear to say that the bill, in every instance, except four States, departs from that ratio; whereas, the plan he was comparing with the bill has made it the common measure and applied it with less variation than perhaps any other scheme will permit.

It appears, from the foregoing statement, that the ratio of 30,000 is applied with more equality, in pursuance of the amendment than by the bill; for fifty members will be chosen by six of the seven States to which one member is proposed to be added, and the ratio of 30,000 will be nearly observed.

The short numbers, in the case of five members, will be 1,635; of three members, 1,489; of twelve, 540.

The deficiency of numbers for choosing sixteen will be less than 300, and for fourteen less than 200.

The deficiency for the choice of the two Delaware members will be greater, but that will be only 2,231.

Add to this, fifty-five members will be chosen by New York, Pennsylvania, Maryland, and Virginia, at the rate of one to 30,000.

So that one hundred and seven members will in effect be chosen by the ratio of one to 30,000.

By the bill, some States, especially the seven to

which additions are proposed, will lose numbers. In the plan of the amendment, they will gain. By comparing their loss in one case with the gain in the other, the degree of equality can be exactly computed, viz:

States.	Members.	Lost on each member.	Total loss.	Gain in each member.	Total gain.
N. Hampshire -	5	5,455	21,820	1,635	8,175
Massachusetts -	16	1,919	25,327	291	4,673
Connecticut -	8	4,223	26,841	195	1,560
Vermont -	3	12,766	25,533	1,489	4,467
New Jersey -	6	5,911	29,559	174	1,044
North Carolina	12	2,138	23,552	540	6,480
Delaware -	2	25,539	25,539	2,231	4,462
			178,171		30,861
			30,861		
Difference of numbers in favor of the amendment -	-	-	147,310		

Mr. A. said, that if, by this plan, the seven States to which a member was added were gainers, that is to say, would be allowed members for a less number than 30,000, the gain was very little. In fact, the States would be represented very nearly according to the same scale. The bill, on the contrary, makes the scale or ratio vary from 55,000 to 30,000.

But if the advantage to the seven States, or the number less than 30,000 for one member, is compared with the loss or inequality sustained by the bill, it is found to be as 30,861 gain, by adding seven members, to 178,171 loss by the unrepresented fractions, as the bill stands.

Mr. AMES made a number of remarks to elucidate the statements and to show the unequal operation of the bill, and the fairness of the other plan.

After which, he proceeded to show that the States of Kentucky, Georgia, and Rhode Island would have the most cause to complain of fractions or unrepresented numbers. But the fractions of those three States amounted to the fractional number of one only of the seven States to which a member would be added. If no nearer approach could be made towards an exactly equal proportion, no just objection could be urged against the plan on the part of Rhode Island, Georgia, or Kentucky; for they would see the case could not be remedied. He then urged the equal operation of the plan between States having equal numbers, and contrasted the bill and the amendment which had been proposed in the House.

From the aggregate loss and gain on the two modes of apportionment in the foregoing statements, see the comparison more particularly between particular States, viz:

Virginia has 21 members. The loss, that is, the excess of her numbers over 30,000, is 546
 Massachusetts has 15, New Hampshire 4,
 1 to be added to each makes 21 members.
 The loss to these two States on 19 members is - - - - - 47,147
 Or nearly as 90 to 1.

On the other hand, the gain on 21 members, or numbers short of 30,000 for a member, is, for New Hampshire and Massachusetts, only - - 12,848
 New York has 11 members. Loss, or excess of numbers over 30,000 for one member, is - - - - - 1,584
 North Carolina 11 members. Loss - - - 23,552

Whereas the gain to North Carolina by adding a member will be only - - - 6,480
 The difference between the loss and gain, or the balance against the bill, is - - 17,072
 Maryland has 9 members. Her lost numbers by the bill - - - - - 8,514
 Connecticut has 7 members. Lost numbers by the bill are - - - 26,841
 Vermont has two. Lost numbers by the bill are - - - 25,533

Difference against the bill is - - - 43,860
 By adding a member to Connecticut and Vermont, the numbers gained will be - 6,027

Balance against the bill is - - - 37,733

The question is: Will the amendment, adding one member to Massachusetts and one to New Hampshire, cure the error? The answer appears, by the statement, that Virginia will be as fully represented according to numbers as those two States, saving a difference of 13,389, or within two-fifths of a member. In forty-two members, that fractional inequality is scarcely an error.

In like manner, by adding a member to North Carolina, the error or inequality compared with New York is equal to a fourth part the number for one member: whereas, by the bill, Massachusetts and New Hampshire will lose almost two members, and Virginia will gain two—a difference little short of four members.

Mr. DAYTON said that, if the vote which was about to be taken were merely to determine what should be the ratio of representation, he should have been contented to have remained in his seat and to have given a silent vote upon the occasion; but to him it appeared to involve in it a question and a principle of infinitely higher moment.

Two of the members from Virginia (Mr. D. observed) had candidly admitted the inequalities complained of in the apportionment prescribed by the bill sent up to the Senate, and had acknowledged the advantages to be given to their State over every other. They did not contradict the calculations nor combat the arguments which had been offered against it, but they boldly claimed and exacted those advantages as a right. This being the case, the question was, in reality, no longer whether 30,000 or 33,000 should be the rule of apportionment, but whether the Legislature of the Union were in future to frame their acts with a view to the particular and almost exclusive advantage of Virginia, and to bend and accommodate their laws to the interests and will of the people or Representatives of that State.

It was now also to be determined, Mr. D. further observed, whether Pennsylvania was here-

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after destined to hold in her hands, as she had been in some measure used to do, the political balance of the States—to be the umpire in our disputes, and the centre of our Union. Judging from the votes upon record relating to this subject, and from some other circumstances, she was no longer intended or qualified to hold that important station. The ancient prophecy seemed to be verifying among a people for whom he had never considered it as intended. The Saviour of this country, the political Shiloh, was now among us, and universally known and acknowledged, and the sceptre was about to depart from Judah. These, (he added) were the well known preparatives to the summons which was soon to follow for their assembling at the New Jerusalem. He concluded with saying that not Pennsylvania alone, but far the greatest part of the Union, would have reason to repent the determination against the amendment of the Senate, and of adherence to the original bill. He, for his own part, believed that such a determination not only struck at the existence of the State sovereignties, but reached to the very vitals of the General Government, and that it must eventually produce either a general consolidation of the Union into one national mass, or an absolute separation of its members.

Mr. VENABLE supposed that a Virginian was possessed of equal rights with other men. If this be a Government of compact, he has equal rights with other men. But is it a reason, that, because Virginia has relinquished a part of her rights when this compact was forming, that she should not now hold what she has not resigned? The dispute on the ratio of representation does not affect Virginia; for, whatever ratio may be adopted, her representation must always be complete. Whether this be a consolidated or federal Government, Virginia will have her full proportion in every case except one—that is, in case she should be reduced to a less number than one member—so that, upon whatever grounds we take it, whether fractional or constitutional, the result will be nearly the same. Calculations, therefore, are out of the question; and, after all the arguments of Northern and Southern interests, of the differences between small States and large States, the comparison is brought to Virginia and Delaware, and the question to strike off seven members from the five large States and add to the seven smaller ones. Thus is one-sixteenth of the whole representation of the Union to be deducted unconstitutionally from one part and given away to another which has already more than a just proportion in the Government; for, although it is contended that we should not argue from the proportion the small States bear in the Senate, yet I hold it fair, in speaking of a Government of representation, to take the whole into view, and not to be governed by such partial comparisons. Under this consideration, I say that every man in Virginia, as represented in the two branches of the Legislature, is to a man in Delaware only as *one to eleven and one-half*, and in the election of a President only as *one to one and one-half*. This is an advantage enjoyed by individuals in the smaller States more than

by those in the larger; and this advantage would be still increased by an adoption of the amendment of the Senate. Is it, therefore, just to increase this inequality? Is it fair that a man living in the neighborhood of another, with only the boundary line of a State between them, should be represented only in the proportion of *one to eleven and one-half*? I contend that the principle which comes the nearest to hold out equal rights to every man is the most proper one, and one that I will always contend for as a citizen of the United States and as a citizen of Virginia. I shall never wish to encroach upon the Constitution, but I will be equally against destroying the balance between the rights which the people have delegated and those they have retained.

Take the subject in any point of view, the five large States will send, suppose 81 members to the House of Representatives, and 10 to the Senate: while the nine smaller States will have 31 members in this House and 18 in the Senate—so that the majority of the representation in the one is overpowered in the other; and, taking the whole aggregate of the inhabitants of the United States, if divided into the majority contained in these five large States, and the minority in the nine smaller ones, it appears that the minority of the people can dictate to the majority in elections, &c.

Government is formed by an association of the people upon principles of equality, and, whilst we admit the argument of sovereignty retained to the States in Senate, let us not lose sight of justice, right, and equity. He concluded by declaring himself of the same opinion as formerly, in favor of the bill; and, as there were no reasons offered by the Senate, or for them, that could induce him to change, consequently, he could not recede from his opinion.

Mr. MADISON, after making a few prefatory observations, said he felt himself impelled to take some notice of the arguments that had been used this day on the subject before the House. He would not, however, attempt any reply to the gentleman from New Jersey, nor pretend to follow him in his flights of imagination respecting the New Jerusalem or the umpirage of Pennsylvania, but leave it to those to whom such observations might have been addressed to draw their own conclusions. He was sorry that it almost always happened, whenever any question of general policy and advantage to the Union was before the House, when gentlemen found themselves at a loss for general arguments, they commonly resorted to local views; and at all times, as well as the present, when there was most occasion for members to act with the utmost coolness, when their judgments ought to be the least biassed—it was to be regretted that at those times they suffered their feelings, passions, and prejudices, to govern their reason. Thus it is, that the most important points are embarrassed, the Northern and Southern interests are held up, every local circumstance comes into view, and every idea of liberality and candor is banished.

The gentleman from New York, (Mr. LAURANCE,) when he introduced this subject at the

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commencement of the present session, did it on the most generous plan, and disavowed every principle of calculation so much, that he then declared he had not so much as made a single calculation of the different fractions which have since been introduced into the debate—his only object was to fix a rule on general principles, agreeably to the Constitution and to the preservation of the rights of the people; and this idea was approved by two of the gentlemen from New Jersey, who have since altered their opinions, although they then had no objections but as to the expense; the idea of fractions was not then contended for, but has since become the very essence of the Opposition; and we are called on to violate the Constitution by adopting a measure that will give Representatives for those separate and distinct fractions in the respective States; and afterwards are told, it is not to the fractional numbers in the States that they refer, but to the aggregate of the fractions in the United States. If this reasoning is good, why do the gentlemen stop at this boundary of a representation by States? Why not proceed to erect the whole of the United States into one district, without any division, in order to prevent the inequality they conceive to exist in respect to individual States?

He would not encroach upon the time of the House by protracting the debate, which had already swelled to an immoderate extent. Upon the whole, he said that this was a great question, wherein attention should be paid to the people, and a strict eye kept towards the public good, divested of prejudice; but he had heard with pain how much had been said to divert the House, by an attention to fractions, from the true object of general welfare; yet he hoped that the Government would be equally administered—that none of those predictions or threats thrown out in the course of the debate, that no mutilation of the Union, would take place; but, on the contrary, that harmony would guide the decision of this question free from every local consideration.

Mr. HILLHOUSE.—It has often been said this Government is a Government of confidence—and, taking this for granted, can it ever be supposed that a plan of representation, which is unequal and unjust, can excite this confidence? This ratio of thirty thousand throws an additional weight of seven Representatives into the scale of the large States. If this principle can be established on this occasion, it may be also extended to taxation. Northern and Southern interests have been mentioned. He was sorry the idea had ever been suggested, but as it had, there was no impropriety in adverting to it. Let a line, then, be drawn at any given place, and a ratio established which will do equal justice to the members on both sides of that line. A representation that will deviate from such a principle, it cannot be expected will give satisfaction, or be cheerfully submitted to by the people. The ratio of thirty-three thousand—figures will show it—will give a more equal representation than that of thirty thousand; and there has not, and, in his opinion, could not be any good reason assigned, why it should not be adopted.

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Mr. BOUDINOT said, he was pleased when gentlemen were desirous of appealing to candid and fair argument, in determining important questions. In the present case, he thought there was propriety in examining the principles of the bill and amendment, by the terms of the Constitution. It had been said by gentlemen, that the ratio, when adopted, must be applied to the number of citizens in the individual States, and that no regard was to be paid to the fractions occasioned thereby, because not regarded by the Constitution. This, he thought, was by no means conclusive. The House of Representatives was to consist of members chosen every second year, by the people of the several States; these members not to exceed the proportion of one to thirty thousand. It appeared to him, that the whole number of Representatives, to be chosen by the whole people of the Union, was the subject contemplated by the Constitution, as constituting this branch of the Legislature; while, by another part of the Constitution, it becomes the duty of Congress to *apportion* them, when so ascertained, among the several States, in proportion to their respective numbers. As an instance, suppose, for argument's sake, the aggregate number of the citizens of the United States to be exactly three millions; by applying the ratio of thirty thousand, the constitutional number of the House would be found one hundred: Congress should then proceed to *apportion* (for he could apply no other meaning to the word) the one hundred members among the States, as their respective numbers bore a proportion to the whole number of three millions. Thus, the Representatives from every State would bear an exact proportion to each other, according to the number of inhabitants in the State; and the whole representation would stand on principles of perfect equality. An equal representation appears to have been the desirable object of the framers of the Constitution—it is the very spirit of our Government. He insisted that this was the only mode of applying the ratio, and making the apportionment, that would hold good at all times, and under all circumstances. It cannot be said, with propriety, that the Constitution does not proceed on principles of perfect equality in this House, yet if the ratio be applied to the numbers in the individual States, it will always produce (as has been fully shown by several gentlemen) very great inequality, by large fractions being unavoidable: in one State we now find one of upwards of twenty-nine thousand. He acknowledged the amendment did not proceed on this principle any more than the bill, for which reason he fully approved of neither, but as the ratio of thirty-three thousand in the amendment produced a much greater equality, and came in effect nearer to his principle, (by reducing the fractions made by the bill nearly two-thirds,) he should prefer it, as he must vote for the one or the other.

It had been said that they were making distinctions between the North and the South—between the large and small States. He observed, in answer, that if gentlemen would introduce principles of inequality, that bore unconstitutionally hard on individual States, they ought not to take

it amiss that the suffering States would complain of the injustice. The injured must complain, and the fault, if any, lies with the first framers of the principle.

If gentlemen wished for equality, let them adhere to the principles of the Constitution. Apply the ratio to the whole number of citizens, by which you find the number of Representatives to constitute this House; and then apportion those Representatives among the individual States, according to their respective numbers.

When gentlemen advert to the Senate, and say that the equal representation of the small States there, should be taken into the account, they do not consider the relative situation of the States, as represented in that House. There, the sovereignty of each State is represented, and not the individual citizen. Sovereignty is perfectly equal in every State; as sovereigns, there are none great or small; and if his information had been right, it was on that principle that the Senate was originally constituted—but that House was a representative of every individual citizen. On the whole, he was of opinion, that, by agreeing to the amendment of the Senate, they would secure the great principle of equality better than by the bill.

Mr. BOVINGOT thought the construction he had given the Constitution was a true one. It supported the spirit of the Confederation between the States, which was on the footing of perfect equality in proportion to numbers; it coincided with the spirit of our Government, which was equality: and although by it the number of members constituting the House was first ascertained from the whole people aggregately considered, without respect to the division of States in their political capacity, yet by the after *apportionment* among the respective States in that capacity, the wisdom of the Constitution appeared in thus providing a General Government for general purposes, and at the same time making each individual State (as a State) essential to the existence of that Government, thereby preventing, in the most effectual manner, an unnecessary entire consolidation of the Union.

Mr. B. said he had originally objected to the bill, on account of a too numerous and expensive representation, as well as of an unequal one, but chiefly relied on the last as unconstitutional, and therefore should still prefer a concurrence with the Senate.

Mr. GERRY observed, that it had been fashionable to speak of the ratio of thirty thousand as a Federal number. He did not know what name to give to the amendment of the Senate, unless it were called the fractional number. He then took notice of an argument which had been used to create suspicion that there was danger to be apprehended from a combination of the larger States; but this would appear a weak argument, when it was considered that the power and influence of the smaller States are equal in the Senate to those of the greater States. The thing is impossible, and if attempted it could not succeed.

He wished to know whether it was the opinion of gentlemen, that there was less judgment and

less firmness in the House of Representatives than in the Senate? He hoped an equipoise would be preserved in the two branches, and that the balance would not be destroyed by constantly giving up the judgment of the House to every whim of the Senate. If a latitude be now admitted, that we may increase the ratio, before the expiration of the first ten years, the gentlemen in favor of the Senate's amendment may insist on a ratio of fifty or sixty thousand; but this is ground they know they cannot yet touch upon; and the same reason that should prevent us from adopting this extreme, operates against the amendment. The whole expense of Congress, from adopting the ratio in the bill, will not amount to two cents upon each citizen of the United States annually, and as population increases it will be lessened. Surely the gentlemen in favor of the amendment cannot object to this trifling expense. They speak of a liberal policy; I wish they would show us an example, by agreeing to the bill with a better grace than they seem to have exhibited hitherto.

Mr. MURRAY.—The subject has gone through a very ample discussion. When the question of representation first came on, the theory of the Government was ably resorted to by those who urged a large representation. Sir, I most heartily agreed in the principle on which, by a large majority, this House made thirty thousand the ratio. As I still am of that opinion, I shall be indulged by this House while I give my reasons for adhering with a firmness which may be deemed by some tenaciousness, to a rejection of the amendment of the Senate.

I voted for thirty thousand, because I saw in that ratio the constitutional wishes and expectations of the people. I deemed the largest possible ratio allowed by the Constitution to be the source of National Government, and its best security. Nothing, sir, which I have yet heard has convinced me to the contrary. It is unnecessary to recapitulate whatever has been said on this point. I must remark, however, that during the discussion, the members of this House who suggested that principle appeared to me to be convinced. They seemed to be masters of their own opinions, and to agree in this idea, without advert- ing to the doctrine of fractions, that the sole question was a point of theory rather than a measure of expedience; and they decided, by a very large majority, that in this House, immediately worn from the very bosom of the people, the ratio of thirty thousand was theoretically correct and practically useful. The bill was sent up to the Senate, who returned it with an amendment of thirty-three thousand as the ratio. I voted against that amendment, because it was an attack upon the principle of an enlarged representation; and because the idea of fractional representation aimed at by the amendment, was but a commutation of the evil of fractions from one State to another, from the Eastern on the Southern; and contained a surrender of the principle without an attainment of convenience.

Sir, it has been, in the course of debate, foretold, that that honorable body would be adverse to an

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enlarged representation here. Whatever has been augured, has been verified by experience; nor can any man be at a loss to see that the temper against large representation, though not openly avowed—for that would have been impolitic—has been covertly and successfully exerted under the semblance of *equality* of representation, by this doctrine of fractions. It was sent down into this House in the form of jealousy and suspicion, and it has produced its effects. It has roused the latent and local interests from their plans, and we have had debates entirely constructed on the tenets of Northern and Southern interests and influence.

A proposition was made by a member from New York, (Mr. BENSON,) and reiterated by the gentleman from Delaware. The object of this proposition was to sum up the fractions, and from the aggregate take seven members. Sir, if I was surprised, I confess I was delighted to see men who a few days before had opposed in theory the idea of a large representation, come down with moderation, and suggest this great principle even in a bad form. I imagined they were converted. I voted against this proposition, because I thought it, first, unconstitutional, inasmuch as it could have been contemplated but in the consolidation of States; and because I thought it contained a solecism in politics. I deemed it unconstitutional, as the Constitution calls for a representation of the people of the *respective STATES* in a ratio of thirty thousand; and if this had obtained, it was to be done by collecting the fragments of constituents from States widely separate, and giving a representation of their fractions thus divided to that State which had the largest fraction. Thus, sir, the two from Delaware would be chosen by less than the Constitution contemplates, as there are not sixty thousand; and it is in vain to say that the member chosen by twenty-five thousand is elected by the addition of five thousand in any other State, in order to complete his proper number of constituents, for they do not *elect* him; and if it be said that he nevertheless does represent them as his constituents, it can only be by the idea of a consolidation having pre-existed, which no man has yet openly averred to be the doctrine on this subject. The very first and most intelligible principle of representation in Government is, that the Representative is responsible to his constituents; but, sir, this, though an abstract truth, must be shown to the people, not in a fiction, but in a solid and practical mode, congenial with their habits, and palpable to their understandings. In the adoption of this extraordinary proposition, the idea of *virtual* representation is the only one which at all protects it. No man, however, who knows the country, will tamper and trifle with so solid a part of Government as that of actual representation and actual responsibility. I never, sir, could consent to commute a known and practical measure of good, for a flimsy speculation, which could only have been invented to serve particular views, and was never thought of till it was discovered in what manner the fractions would affect particular States.

For these reasons, sir, I voted against that pro-

position. I shall now vote against the amendment of the Senate, because I find no cure, but a partial one, for the inconvenience of fractions; and even this is to be obtained at the expense of principle. Though this amendment may gratify some States, as New Jersey, that may have large fractions, it throws off the evil from them on other States. The fraction of Massachusetts may be smaller, but the State of Maryland loses a member, and will have a large fraction. Sir, I can find nothing in this amendment but the design to accomplish what I humbly conceive an unwholesome end by improper means, and shall therefore vote against the proposed amendment.

Mr. FINDLEY said, from the various observations which had been made on the subject, it had become necessary that a vote should be given with due deliberation—such a vote as constitutional justice shall require—on the ground of constitutional justice; for as to general justice, it is entirely out of the question; and, indeed, general justice could not be done, on the principles of any Government under heaven. He adverted to the particular situation of the respective States, and said that this general justice was not attainable in any one of them. We are not to be moved by any threats; we act on principle, and we will intrench ourselves in principle; and this principle of constitutional equality is all that we can pretend to. But it is objected that the ratio will produce fractions, and to get rid of this difficulty of fractions, we are to reduce the representation of the people, from the constitutional number of one to every thirty thousand; that is, we are to strike off one-sixteenth part of the whole representation of the Union. He urged that the representation on the ratio of thirty thousand would not be too great. He instanced the representation of Geneva and other foreign States. If there should arise any inconvenience from the present ratio of thirty thousand, Government were not obliged to wait for the expiration of ten years to remedy the defect; it was always in the power of Congress to order another census to be taken at any time. For his own part, he had not considered fractions as an obstacle to the bill; on the contrary, he was rejoiced that the population of the country increased so rapidly as to make those fractions always quickly increase to a whole number. To conclude, he was for going on general principles, which would certainly reflect the most honor on the proceedings of the Legislature.

Mr. W. SMITH said, he had hitherto voted uniformly in favor of a smaller representation than that which was contemplated in the bill, and in doing so he had acted from principle, without any reference to the doctrine of fractions. As the enumeration of his State was not yet known, it must be evident to every gentleman in the House that this was the case; but he now saw the necessity of changing his vote, since the bill had been returned from the Senate, where it seemed there was a disposition to modify every bill and every proceeding of this House just as they pleased. He thought it would have a very awkward appearance to the world, if the House should give way

in all cases whatever, and more especially in the present instance, where the Senate had been equally divided, and the question was decided by the vote of a single member of that body—the Vice President. For these reasons, and the locality and fractions that had been introduced into the debate, he would vote for an adherence to the former decision of the House, in order to support that balance which should be preserved between the two branches of the Legislature.

Mr. BENSON said, that if this business is in future to be made a lottery, let us at once declare it; for if principle is entirely out of the question, it remains that we should declare explicitly the truth.

Mr. SEDGWICK said, that it was impossible for him to understand on what principle the gentleman from South Carolina and his colleague were to give their votes, (contrary to their former expressed opinion, excepting that they had discovered that the Senate concurred with them; which would not, he hoped, be generally considered as a good ground for changing, as it seemed to be embracing contradiction for the purpose of contradiction;) unless, as the gentleman had declared, that at the time he formed his opinion he did it on principle, by the abandonment of which he could acquire an undue weight to the district of country from which he came, by departing from a just equality in representation.

Gentlemen had seemed to wish to obscure the merits of the present controversy, by considering it as a contest between the larger and smaller States, and by supposing that the latter would be compensated for their loss of weight and influence in this House, which would result from an unequal apportionment of the representation, by the undue influence which they possessed in the Senate. He himself came from a very large and important State. Justice, however, obliged him to declare that this mode of conducting the argument, only tended to divert the judgment from the true merits of the question. What had the distribution of the powers of the Government—which, by the Constitution, was adjusted to the interests and sovereignty of the States—to do with the apportionment of representation, as it respected either its numbers or the various interests which were to be secured by equality of influence? Was it possible that any mind should be so weak as to discover that the constitutional organization of the Senate was not wholly irrelative to those considerations which should influence in the decision of the present question?

In contemplating the subject before the House, he observed, that a vast variety of circumstances were entitled to deliberate consideration. Among others, the number of Representatives compared with the number of inhabitants of the United States; in determining which, the nature and objects of the Government we were administering, its machinery, the distribution of its parts, the construction of the other branch of the Legislature, and many other objects, were to be considered; that we had not, on any of these subjects, the aid of experience, and that the Government

itself was a novel experiment. He need not, therefore, add that there were no data from which any certain conclusion could be drawn. All was uncertainty and conjecture. Was an apportionment of a ratio of thirty thousand eligible? As an abstract proposition, he was disposed to give it a preference to any other; but if he was asked wherefore, he could only answer, that it was rather an inclination of sentiment, than the result of rational reflection. He would not, therefore—because justice would not permit it—sacrifice to the effect of conjecture, which might be only the result of whim, the important and indispensable duty he owed to respect the claims of States to equality.

If an apportionment was made by a ratio of thirty thousand, the members would be seven more than if the amendment of the Senate were adopted. Whichever proposition was agreed to, would any one venture to affirm that the liberties of the people would be more or less secure, the House aggregately more or less wise, or the due balance between the two Houses better or worse adjusted? Considering thus the subject, does not the earnestness with which gentlemen contend for the proposition of the House, appear perfectly unaccountable? But in the progress of this business, it is discovered that an application of the principle of the House gives a balance of weight and influence to one part of the United States, to which it is not entitled by the equal apportionment contemplated by the Constitution. This, it is agreed by all, is demonstrated by figures. Nor can it be denied that equality is among the most essential principles of representation, and expressly provided for by the Constitution, as far as would consist with the state of our society, having a due regard to our particular circumstances. Yet, all important as this consideration is, it is to be sacrificed, with all the interests involved in it, to a fanciful idea of theory—theory unsanctioned by experience.

For his own part, he believed that wise policy would be found perfectly to coincide with, and reconcile the various interests of this extensive country. It could not, however, have escaped the observation of every gentleman, that there existed an opinion of an opposition of interests between the Northern and Southern States. The influence of this opinion had been felt in the discussion of every important question which had come under the consideration of the Legislature. The extreme anxiety of gentlemen on the present occasion, would render all other evidence superfluous on this subject. Such a belief, he said, however ill-founded, would, as long as it continued, have the same effect as if it existed in fact. Feeling the weight of this observation, and the influence it ought to have to give to every part of the United States, as nearly as might be, a due proportion of constitutional weight in the public councils, he was incapable of reconciling the conduct of members who were disposed to sacrifice the most important interests of their immediate constituents, to their strange ideas of conjectural perfection. It seemed to him that the gentlemen who came from the North, and on this occasion dissented from

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their neighbors, were disposed blindly to surrender all the important interests of their immediate constituents to the arbitration of those, the whole course of whose conduct had demonstrated that they thought those interests adverse to their own.

He concluded, by warning those who had hitherto composed a majority on this subject, to reflect on the danger that would result from a pertinacious adherence to a measure so productive of the sources of jealousy; and he called on their generosity, magnanimity, and justice, to respect the claims of the minority to an equal weight in the Government, on the principles of the Constitution.

Mr. GERRY made some reply to his colleague, Mr. SEDGWICK, respecting locality of interests, and declared that he never would agree to a reduction of the people's representation.

Mr. LAURANCE said, he had always advocated a large representation, without any reference to the part of the Union from which the members are to come. Thirty thousand will give the largest number that we can get; he could have wished it had been larger, but as it could not, he should vote against thirty-three thousand, which would diminish the number; and this was the principle he acted upon. If an equality is the object, is there not a number which will produce a still greater equality than that proposed by the Senate? If there is, there is no principle in the ratio of thirty-three thousand, for it ought to be carried to the full extent to make it perfectly equal. He was sorry that the discussion of the question had excited those disagreeable reflections which had been made, and that the discussion of general principles was dwindled into a debate on fractions, and on the interests of the Northern and Southern parts of the Union. He was persuaded this would not be the proper mode of obtaining the end, which ought to be in view, but would only tend to disturb the tranquility and harmony that ought to exist in investigating and determining this subject.

Mr. KITTERA having at first voted for thirty thousand, he thought it proper to offer a few reasons for altering his opinion. He had voted for thirty thousand because it would give the largest representation, but finding its unjust and unequal operation, in respect to a majority of the States, he had determined to vote for the ratio of thirty-three thousand. He then noticed the remark of Mr. FINDLEY, that the injustice may be corrected by an enumeration at an earlier period than that proposed in the Constitution; he observed, that this was in effect saying, let us do injustice, and wait a number of years, and then justice shall be done. Why not do justice now, as far as is in our power? Mr. LAURANCE had said, why not adopt a ratio that would leave less fractions than thirty-three thousand? He said, this was in effect saying, that because we could not do complete justice, we would not do it to any degree whatever. The superior degree of equality which would result from the amendment of the Senate, had been so fully demonstrated, that he should now vote to recede from the disagreement of the House to it.

The question being now put, that the House do recede from their disagreement to the said amendment, it passed in the negative—yeas 27, nays 33, as follows:

YEAS.—Messrs. Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, Israel Jacobs, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Messrs. John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, Elbridge Gerry, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, John Laurance, Richard Bland Lee, Nath'l Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

A motion was then made, and the question being put, that the House do adhere to their disagreement to the said amendment, it was resolved in the affirmative—yeas 32, nays 27, as follows:

YEAS.—Messrs. John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, Elbridge Gerry, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, John Laurance, Richard Bland Lee, Nath'l Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, William Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alex'r White, Hugh Williamson, and Francis Willis.

NAYS.—Messrs. Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, Israel Jacobs, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

A message from the Senate informed the House that they have passed the bill, entitled "An act making appropriations for the support of Government for the year 1792," with several amendments; to which they desire the concurrence of this House.

TUESDAY, December 20.

A Message was received from the President of the United States, with the copy of a Letter which he had received from the Governor of the Commonwealth of Pennsylvania, and of sundry documents which accompanied it, relative to a con-

tract for the purchase of a certain tract of land bounding on Lake Erie, together with a copy of a Report of the Secretary of State on the same subject.

The said Message was read, and, together with the papers accompanying it, ordered to be referred to Mr. MADISON, Mr. BENSON, and Mr. SEDGWICK, with instruction to prepare and bring in a bill or bills to make provision for carrying into effect the contract therein specified.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act making appropriations for the support of Government for the year 1792," and the same being read were agreed to.

A message from the Senate informed the House that the Senate do adhere to their amendment to a disagreement to which this House has adhered, to the bill entitled "An act Apportioning Representatives among the People of the several States, according to the First Enumeration."

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House on the bill for establishing the Post Office and Post Roads within the United States.

Mr. WADSWORTH moved an amendment, to withdraw the privilege of franking from the members of both Houses of Congress.

In support of this motion, it was said, that the grand security which the people of the United States have in their Representatives is, that those Representatives are subject to the same regulations as their constituents. In the article of postage, this was not the case. Congress, in this case, assume to themselves a privilege, which they refuse to the people; they took money from their constituents, and paid none themselves. The people viewed this privilege with a jealous eye, and could not be pleased to see it enjoyed by Congress, whilst neither the members of the State Assemblies, nor even the Governors were indulged in it. Congress enjoys only chartered rights; and all rights not expressly mentioned in the charter, are of course excluded. The Constitution is their charter; the Convention, who framed it, had, no doubt, well considered the whole subject of privileges, and accurately defined all such as they wished the Legislative body should enjoy distinct from their constituents. In the enumeration of those privileges, there is not a syllable tending to exonerate them from their share of the common burden of postage; they have no constitutional claim to such an immunity, and if they assumed it, they would increase the burden on their constituents. The post office, if unable to maintain itself, must derive its support from other sources of revenue. Already the members of both Houses send and receive, during their session, as many letters through the General Post Office as all the other inhabitants of Philadelphia; those letters, if paid at the usual rates, would amount to half the postage of the United States. The number and bulk of the franked letters and packets excluded the newspapers from the mail, and thus pre-

vented the circulation of intelligence; if the evil increased (and there was no probability of its being diminished, except by the utter abolition of the privilege) it would eventually prove the ruin of the post office. The example of Britain showed to what an enormous height the abuse of such a privilege may be carried; and though similar abuses may not as yet have taken place here, yet it could hardly be doubted that many unnecessary letters were daily sent by the post, which never would have been written if subject to postage; those letters are not only unproductive, but an actual expense to the post office, as the postmaster receives a certain per centage on these, as well as upon other letters. The privilege of franking is moreover unequal in its operation; while some members use it only for the purpose of transmitting political information to their constituents, others, absent perhaps during the whole session, use it for very different purposes: to men in trade it was a considerable advantage, amounting, probably, in some instances, to a hundred dollars a year. It would be better to take away the privilege entirely, and reduce the general rates of postage one-half, or to allow the members, at the close of each session, to make a charge for all letters on public business, from their constituents, or to make them an allowance in gross to defray the expense or postage; better, even, if necessary, to make an addition to the compensation which the members receive for their services, if the present one be found incompetent to their honorable support.

On the other hand, it was observed, that the privilege of franking was not assumed by the members for their own private accommodation, but for the benefit of their constituents, to transmit to them every necessary information respecting the operations of the General Government, and to receive from them such information as they might have to communicate. Petitions are frequently enclosed to members; and if these were to be subject to the payment of postage, the privilege of petitioning the House, would be in a great measure destroyed. The diminution of revenue which the post office might in some instances suffer from the privilege of franking, ought not to be deemed a sufficient reason for abolishing that privilege; since it is allowed, that the object contemplated in the establishment was the general convenience, and an easy and speedy mode of disseminating public and private intelligence. Revenue was but a secondary consideration. Although the citizens who live at the Seat of Government, and have daily opportunities of learning from the newspapers what public measures are going forward, may not be materially affected by the abrogation of the privilege, yet the case would be widely different with those who live at a distance, especially when fiscal operations were on foot; those who are informed, will make a prey of those who are ignorant, and destructive speculation will enrich the few, at the expense of the many. In a Government of opinion (which is the Government of America) much greater reliance is to be placed on the confidence of the people than upon any other circumstance: that confidence can only be

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the result of the fullest information; but if the privilege of franking were taken away, the avenues of information would be, in a great measure, closed; for the members could not undertake, at their own private expense, to transmit intelligence to every part of the Union; yet the citizens have a right to expect information, not only of the acts of Government, but also the principles upon which they were grounded. The abuses of the privilege, that have prevailed in England, do not prevail here; and its abolition would give general dissatisfaction, particularly in the more distant parts of the Union, where information would be subject to a very high tax, if circulated through the post office, at the ordinary rates of postage. Of those bundles of letters received and despatched by members of Congress, many (though far from being unnecessary, as had been said) would perhaps never be written, if they were not to pass free of postage; and thus that free communication of sentiment between the Representative and constituent, which is so essential in a Government like this, would be in a great measure cut off; and the post office would gain little or nothing by it, as those packets of newspapers, bills, reports, &c., would either be sent by private hand, or not sent at all; even here an inequality would prevail, as the people who live near the Seat of Government, and all along the main road, could, from the greater frequency of opportunities, receive such packets with more ease and regularity, whilst those in more remote situations could seldom or never receive them, unless by the mail. The expense arising from the per centage to the postmaster on the free letters, is but trifling, as in such cases he receives no more for a packet of two ounces than for a single letter; and as to the idea of allowing the members to make a charge for their letters, this would be no better than receiving with one hand and paying away with the other. If, however, it were found absolutely necessary to take precautions against the abuses that were apprehended, this might be done by limiting the number or weight of letters that should go free by any one post, without entirely preventing the interchange of sentiments between the Representative and his constituents.

The Committee then rose, without taking the question on the amendment.

WEDNESDAY, December 21.

Mr. MADISON, from the committee appointed, presented a bill for carrying into effect a contract between the United States and the State of Pennsylvania; which was received, and read the first time.

THE POST OFFICE BILL.

The House resolved itself into a Committee of the Whole (Mr. W. SMITH in the chair) and resumed the consideration of the Post Office Bill.

After having proceeded through all the remainder of the bill, except the eighth, the twenty-second, and twenty-third sections, (respecting the carriage of newspapers,) which were postponed

for future consideration, the Committee rose and reported progress.

THURSDAY, December 22.

A bill for carrying into effect a contract between the United States and the State of Pennsylvania was read the second time, and committed.

A memorial and address of the people called Quakers, from their several religious societies in Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed salutary and effectual, for securing peace and friendship with the original holders of this land.

Ordered, That the said memorial and address do lie on the table.

Mr. GERRY, from the committee to whom were referred several motions for obtaining annual and regular statements of the receipts and expenditures of all public moneys, and for a due examination of such statements, made a report; which was read, and ordered to lie on the table.

ELECTION OF PRESIDENT, &c.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President."

The bill was read by the Clerk. The first section being again read by the Chairman,

Mr. TUCKER moved to amend this clause by striking out these words, "except in cases in which an extraordinary election of President and Vice President shall take place, as hereinafter specified." This motion was agreed to.

Mr. SEDGWICK made some general observations on the great objects of the bill, and adverting to the term proposed for the choice of Electors of President and Vice President, observed that he had his doubts whether it would not be best to give a longer time. He enlarged on the disagreeable consequences which would probably ensue, in case there should not be a choice by the Electors; as the matter must then be determined by the House, voting according to the Constitution, by States. He descanted on the pernicious consequences which might result from the collision of parties, and the working of passions in the breasts of men whose ardor would probably be excited to the greatest degree on such an occasion; every reasonable measure should be adopted to prevent the evils which he deprecated; he therefore moved that the words "thirty days" should be struck out, in order to give the people a longer time to give in their votes for Electors.

Mr. WHITT objected to the motion. He conceived it was calculated to produce the very mischief the gentleman appeared to deprecate. If it had been possible, he could have wished that the Electors should meet and give in their votes on the very day of their being chosen; he wished as much

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as the gentleman to adopt measures to prevent the evils he mentioned; but did not think the motion would conduce to that object; he thought the time should rather be contracted than extended.

Mr. DAYTON also objected to the motion; he thought fourteen days would be a more proper time; it was the design of the Constitution, though it is not expressed, that the President should not know the characters to whom he is indebted for his election.

Mr. SEDGWICK observed, that the objections would be very proper was it certainly known that the Electors would always agree in a choice; but this he conceived, it was hardly possible should always be the case; and what will then take place? The election devolves on this House, and the Electors will then be known, and liable to all that intrigue and cabal which has prevailed in other countries. He left it to the consideration of the Committee to determine on the immense importance of providing in season against the evils of a contested election, in the case now before them.

Mr. BALDWIN objected to the motion; but said if it was struck out, he should then move to insert a clause which should assign different periods according to the circumstances of the several States, so that the Electors should meet as nearly as possible at the same time in all the States.

Mr. NILES objected to the motion; and the question being put it was negatived.

The clause which makes it the duty of the Executive of the several States to cause the names of the Electors to be certified, was objected to.

Mr. NILES observed, that no person could be called upon to discharge any duty on behalf of the United States, who had not accepted of an appointment under their authority. He thought that this was opening the door too wide, and involves a blending of the respective powers and duties of each, which are not warranted by the Constitution; and he observed that he should be sorry that the Government of the United States should attempt to exercise a power which they are not competent to carrying into execution. He moved that the clause should be struck out.

Mr. SEDGWICK observed that if Congress were not authorized to call on the Executives of the several States, he could not conceive what description of persons they were empowered to call upon.

Mr. NILES said he considered this section as degrading to the Executive of the several States; and inquired what is to be done in case those Executives should refuse to comply with the requisition?

Mr. CLARK said, it appeared to him that the Committee was creating difficulties where none before existed. He observed that the choosing these Electors was a privilege conferred on the people, and that this was merely pointing out the mode of exercising this privilege; he thought the clause stood very well and would create no uneasiness whatever.

Mr. HILLHOUSE said, he considered the provision improper. It imposed a duty on the Supreme Executives of the several States, which they might, or might not execute; and thus the necessary cer-

tificates may not be made. He seconded the motion to strike out the clause, and proposed a substitute making it the duty of the Electors to procure for themselves the necessary certificates.

Mr. LIVERMORE spoke in favor of the clause; he did not consider it either as an undue assumption of power, or degrading to the Executives of the respective States.

Mr. BARNWELL said, a small addition to the clause would in his opinion obviate every difficulty; the words he proposed to insert were—"or such person as the Executive may appoint."

Mr. STURGES moved to strike out "Executive," and insert "the Legislature."

Mr. J. SMITH said, it appeared to him that the proposed alteration would amount to exactly the same thing; for the duty of giving the certificate would eventually devolve on the Executive.

The motion for striking out the clause was negatived.

The ninth section provides, that in case of vacancies in the offices of President and Vice President, the President of the Senate *pro tem.* or the Speaker of the House of Representatives shall act as President.

Mr. WHITE moved the section should be struck out. He said the House had formerly discussed the subject and could not agree; the first part of the bill is necessary; this is not of immediate importance to be attended to.

Mr. FITZSIMONS said, he supposed the question must be determined some time or other, and he knew of no reason why it should not be decided at this time; to strike out the clause would, in effect, be to declare that the House could not agree.

Mr. WILLIAMSON was in favor of striking out.

Mr. LIVERMORE objected to the motion; he said no two subjects could possibly be more intimately connected; and the provisions of the bill are such as to render the intermission, during which this regency was to take place, as short as possible; he hoped the clause would not be stricken out.

Mr. WHITE added some further objections to the section; he said it was distinct from the bill, and though a majority of the Committee were in favor of the characters nominated, yet he thought it would be best to make it the object of another bill, and of an independent discussion.

Mr. SEDGWICK said, he hoped the section would not be struck out, especially if there is a majority of the Committee in favor of it. He observed, that last session there was no decision in the case; he conceived it necessary that the business should be now decided on; and adverting to the particular characters named, he said they were as far removed from any influence of the Executive as any persons that could be possibly pointed out.

Mr. BARNWELL was in favor of going into a discussion of the subject at this time. He said there was a large number of the present House who had not heard the observations offered in the last Congress; he supposed the present as proper a time to consider the subject as any that could occur. If gentlemen who are opposed to the section will offer their objections, he should be glad to hear

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them; if they were conclusive, he should vote to strike out the section. If nothing was offered, he should vote against the motion.

Mr. STURGES mentioned several objections to the section, which in his opinion rendered it unconstitutional; he could not find that the Speaker of the House, or President of the Senate *pro tem.* were officers of the Government in the sense contemplated by the Constitution. The compensations of the President and Vice President are settled by the House; the Speaker would have to decide on those compensations; this he said rendered him evidently improper. He further observed that the consequence would be, caballing and electioneering in the choice of Speaker.

Mr. WHITE said, the Speaker was not a permanent officer, if he could be considered as one in any point of view; but he was of opinion, that he was no more an officer of Government than every other member of the House.

The question for striking out the section was negatived.

Mr. STURGES then moved to strike out the words, "the President of the Senate *pro tempore*, and the Speaker of the House of Representatives."

Mr. GILES stated the reasons which he conceived fully proved the unconstitutionality of the clause. The characters referred to he did not think were officers. If they had been considered as such, it is probable they would have been designated in the Constitution; the Constitution refers to some permanent officer to be created pursuant to the provisions therein contained. These persons are not permanent; a permanent officer was contemplated; the subject was not to be left to any casualty, if it could possibly be prevented.

Mr. SENDWICK said, he did not know what officer could with propriety be said to be permanent; offices are held during good behaviour in some instances, and in others during pleasure; but it will be impossible to say that any officer is a permanent officer, for the expression is very extensive. He was surprised to hear the idea controverted, that the Speaker of the House, or the President of the Senate, *pro tem.*, is not an officer. In common parlance he was sure there was no difficulty in the matter.

Mr. GERRY observed, that some gentlemen had said the Speaker is not an officer; but if he is not an officer, what is he? He then read a clause from the Constitution, which says that the House shall choose their Speaker and other officers. He hoped, however, that the Speaker of the House of Representatives would be struck out, in order to avoid blending the Legislative and Executive branches together. He considered this measure as a political stroke of the Senate; but he hoped that the House would never consent to making their Speaker an amphibious animal. He moved therefore that the words "Speaker of the House of Representatives" should be struck out.

Mr. HILLHOUSE objected to any officer appointed by the Executive being inserted. He said, if that should be the case, the appointments would in most cases be made with reference to that object; and hence important offices would often be filled

with improper and incompetent persons. Besides, it was taking away the choice from the people, and thus violating the first principle of a free elective Government. The Senate are appointed by the people, or their Representatives, and hence, in his opinion, filling the vacancy would devolve with the greatest propriety on that body.

Mr. WILLIAMSON was in favor of the motion for striking out both the characters. He observed, that this extensive construction of the meaning of the word officer, would render it proper to point out any person in the United States, whether connected with the Government or not, as a proper person to fill the vacancy contemplated.

Before taking the question upon the amendment, the Committee rose.

FRIDAY, December 23.

On a motion made and seconded,

"That the Report of the Secretary of the Treasury, upon the petition of George Webb, be referred to a Select Committee, and that the Committee be instructed to prepare and bring in a bill allowing such of the Receivers of Continental Taxes in the several States, as continued in service after the end of the year 1783, a commission, as a compensation for their services and expenses, not exceeding the rate of — per centum upon the amount of moneys by them respectively received for Continental services subsequently to the time aforesaid."

Ordered, That the said motion and report be referred to Mr. LIVERMORE, Mr. GILES, Mr. CLARK, Mr. FITZSIMONS, and Mr. BOURNE, of Rhode Island; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial and petition of sundry merchants of the city of Charleston, in the State of South Carolina, engaged in commerce, previous to the late Revolution, was presented to the House and read, stating the peculiar hardships under which they labor, from the two-fold causes of the operation of the fourth article of the definitive Treaty of Peace, and of so much of the act of Congress for funding the public debt as redeems the old Continental money, at the rate of one hundred dollars thereof for one dollar specie, the former requiring them to pay their British debts in sterling money, with full interest to the present time, and the latter, depriving them of all hope of indemnity, from the effects of depreciation and tender laws to which they were exposed during the war, and praying relief.

Ordered, That the said memorial and petition do lie on the table.

The House resolved itself into a Committee of the Whole House, on the bill for carrying into effect the contract between the United States and the State of Pennsylvania; and, after some time spent therein, the Committee rose and reported the bill without amendment. It was ordered to be engrossed.

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House, on the bill for esta-

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blishing the Post Office and Post Roads within the United States.

Mr. FITZSIMONS offered a sketch of rates of postage, by way of amendment, different from that reported in the bill and the rates now paid. His plan was a general reduction of the rates.

Mr. GOODHUE said, he did not believe that the revenue from the Post Office, any more than that from the impost, would be increased by establishing a high rate of postage. He was pleased with the sketch offered, and wished it might be agreed to as an amendment; he had no doubt of its increasing the revenue of the Department.

Mr. LIVERMORE was in favor of the original rates reported in the bill. He conceived that the reduced rates would be so low, as materially to injure the income of the Department. He did not conceive why the rate of postage for one hundred miles, in one part of the United States, should be greater than for one hundred miles in another part: he referred to the diminished rates for great distances.

Mr. WILLIAMSON was in favor of reducing the rates. He observed, that though our experience in this business was not great, yet it was sufficient to show that a reduction of the rates of postage tended to increase the income of the Department. And the experience of European countries was incontrovertibly in favor of the idea of a reduction.

Mr. BALDWIN replied to Mr. LIVERMORE, and observed that the amendment recognised the same principle in respect to great distances, which is contained in the bill as reported.

On motion of Mr. WILLIAMSON, the amendment was altered, so that the rate of postage for a single letter to the greatest distance, should not exceed twenty-five cents.

Mr. FITZSIMONS's amendment was then adopted.

The section which makes it death for persons employed in the Post Office Department to rob the mail, occasioned considerable debate. The words "shall suffer death," were struck out, and it was then moved to insert imprisonment for life, or for a term which the Court may think proper. This motion occasioned further debate, on its being moved to amend it by striking out imprisonment for life.

Mr. MURRAY entered into a general consideration of the subject. He was clearly of opinion that if the punishment was not loss of life, it ought to be the next in point of severity. He enlarged on the enormity of the crime, and inferred that a person who was so depraved as to be guilty of it, ought to be forever deprived of the power of injuring society again. He adverted to the principles advanced by Montesquieu, Beccaria, and others, who had written so ably on crimes and punishments; but, with all their refinements, they were obliged to acknowledge that as there were grades in guilt, so there should be degrees of punishment. He adverted to the regulations of Pennsylvania; he said their jail was more properly a school of morality than a place of punishment. It may reform, but it will never deter the abandoned from the perpetration of crimes. It might answer the present state of society in the Commonwealth,

but he doubted whether it would not invite to the commission of crimes, and accelerate the period when they must have recourse to a more severe system of jurisprudence. He concluded by saying, that, as imprisonment for life was the next severest punishment to loss of life, he should vote against the last amendment.

Mr. HARTLEY defended the system of punishment and reformation adopted by Pennsylvania. Experience was in its favor. The gentleman has carried our ideas to European countries; but he thought that examples from our own country were more in point. He objected, generally, to sanguinary punishments; and the punishment now proposed he thought would be too severe, if generally incurred for the crime under consideration.

The Committee now rose, and had leave to sit again.

MONDAY, December 26.

An engrossed bill for carrying into effect a contract between the United States and the State of Pennsylvania, was read the third time and passed.

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House, on the bill for establishing the Post Office and Post Roads within the United States.

On the subject of newspapers, Mr. WILLIAMSON suggested the propriety of their being so packed that they may be easily inspected by the postmasters; that there should be separate accounts, and a separate mail or portmanteau for them; and that the rate of postage should be in proportion to the distance they are carried: those sent one hundred and not exceeding two hundred miles, one-half cent; those above two hundred and not exceeding three hundred miles, one cent; those above three hundred and fifty miles, one cent and a quarter. He moved to strike out the 23d section, and to insert the above as a substitute.

Mr. CLARK proposed to amend the clause by a proviso, that the papers shall be dried.

Mr. FITZSIMONS doubted whether it would be proper to agree to the amendment. He was of opinion that the consequence would be, very few papers would be sent by the mail. He inquired who is to pay the postage? The printers will not pay it; they are sufficiently out of pocket by distant subscribers. Is it to be defrayed by the subscribers, weekly? There is no coin of the description mentioned. Difficulties will result from the mode which is necessarily adopted for great part of the year, of sending the mail on horseback. Should the papers increase, as is supposed, it would be impossible to send them. There were difficulties in the way. The printers had been called on to declare what would be convenient and agreeable to them; but there was so little concert among them, that they had not given any intimation to the Department of what would please them.

Mr. WILLIAMSON replied to Mr. FITZSIMONS, and obviated some of the difficulties he suggested. He observed that a certain weight ought to be

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specified, which the postmaster ought not to exceed, when the mail is sent on horseback.

Mr. CLARK said, he thought the most eligible method would be to make the printers accountable for the postage. This had been proposed by a printer, who issued a larger number of papers than any other printer in the United States. This would simplify the business, and prevent trouble in the different post offices.

Mr. BOURNE objected to different rates of postage for newspapers. He believed it was not customary with the post-riders. Newspapers contained general information, and ought to come to the subscribers in all parts of the Union on the same terms; the half cent would indemnify for the charge. He moved that such parts of the motion as proposes a different rate should be struck out.

Mr. BOUDINOT believed the gentleman was mistaken in respect to expense of carriage to a great distance. He further observed, that the rates being the same to all parts of the Union, would operate as a bounty to the printers at the Seat of Government; for it was well known that the printers at the Southward could not afford to sell their papers at the same rate with those at the Northward.

Mr. WILLIAMSON enlarged on these ideas.

Mr. STEELE said, that the amendment of his colleague, instead of giving facility to the circulation of newspapers, tended only to give a douceur to the printers of particular States. He could have wished that the privilege of franking had been struck out, and the supposed amount thereof applied to defray the expense of transporting the newspapers: it would conduce to opening a larger channel of information, and would in an easy way bring intelligence to the door of every citizen in the United States. He preferred the bill without the amendment, as more competent to the great object.

Mr. PARKER observed that every law ought to be founded on a principle of equality; and, on this idea, supposed the postage ought to be augmented in some proportion according to the distance.

Mr. HILLHOUSE advocated an increase of the postage. He said the rates proposed were not competent to discharging the expense.

Mr. WILLIAMSON said, that the half cent for a great distance would not defray the expense; he had authority for the assertion; and if the rate is reduced, it will operate to discourage the private stages, and all communication on those roads supported by private subscriptions, will be cut off.

Mr. HARTLEY was in favor of one rate. He observed that the rates demanded by private posts was so high, as to amount to an interdiction of the papers almost entirely.

Mr. BARNWELL was in favor of Mr. WILLIAMSON'S motion; a half cent would not be sufficient to defray the expenses. He enlarged on the bad policy of giving a monopoly to the printers at the Seat of Government; country papers are important on many accounts, and ought to be encouraged. It is the opinion of the Postmaster General that a half cent is not a sufficient postage.

Mr. BOURNE'S motion for striking out was negatived.

On motion of Mr. HILLHOUSE, the postage for one hundred miles was raised from a half to a whole cent, and one cent and a half for any greater distance.

Mr. CLARK moved to add this clause: "to be paid by the Printers sending the same, at the expiration of every three months." This was not carried. The section was further amended, by saying that the newspapers shall be under cover opened at one end; the postmasters to receive fifty per cent. of the postage.

The residue of Mr. WILLIAMSON'S amendment was agreed to.

Mr. LIVERMORE moved that the proviso, which empowers the contractors to carry newspapers, should be struck out.

Mr. PAGE observed, that in disposing of this subject the utmost caution ought to be used, lest some infringement of the liberty of the press should be the consequence. We have subjected the printers of papers to a certain tax for sending their papers by the mail, and now it is proposed to cut them off from all opportunity of making their own contracts. He thought the business ought to be simplified as much as possible, and the Printers left to themselves to dispose of their publications as they think proper, independent of the mail.

Mr. BARNWELL supported the motion: by retaining the clause, the post office would be subjected to innumerable impositions.

The proviso was struck out, and another proposed by Mr. BOUDINOT, to the same purpose, with an addition, subjecting papers sent by contract to the inspection of the postmasters.

This motion was objected to, as it would operate against the revenue of the post office.

Mr. BOUDINOT observed, that in forming the contracts, the contractors always agreed for a less consideration, on account of the advantage derived from carrying newspapers.

This motion was also disagreed to.

The Committee then rose, and reported the bill with amendments to the House.

TUESDAY, December 27.

THE POST OFFICE BILL.

The House then proceeded to consider the amendments reported by the Committee of the Whole House yesterday, to the bill for establishing the Post Office and Post Road within the United States.

The several amendments agreed to by the Committee were read. The first section, as amended, after some further amendments, was agreed to; this section details the roads. Second amendment was to authorize the Postmaster General to form contracts for carrying the mail on cross roads; agreed to. In the eighth section, the rates of postage are established by an amendment, the lowest at six cents for a single letter, and the highest twenty-five cents for the greatest distance; agreed to. The substitution of "imprisonment for life," in lieu of the words "shall suffer death," for robbing the mail, was objected to by Mr. HARTLEY,

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who observed, that, for the protection of property, most countries have enacted penal laws. Those which have been the most sanguinary, have, I think, not been the most successful. Those of a moderate complexion, have had a better effect, without sporting with the lives of men. While the English Government had its influence in America, the public mind in most of the Provinces was in favor of the former kind. Pennsylvania was among the first exceptions. The Quakers, who first settled Pennsylvania, were moderate in their manners and principles: their penal code remained till the late revolution. The Independence of America has led to great inquiry, and we have ventured to change our laws, and made them less sanguinary; this has happened in a greater or lesser degree in most of the States. Life is not sported with, and the idea of confinement and repentance strongly prevails. As I said the other day, said Mr. H., we have altered our laws with great success in Pennsylvania. What protection are we to have to this property? What danger is it subject to? The Postmaster General will doubtless take security from the deputies he appoints, and of those to whom the mail is intrusted. This is our security; and there is scarcely an instance where a man is punished with death for a mere breach of trust. Fines and imprisonment will be sufficient to punish the party, and deter others from committing the like offence. It is not like a robbery upon the person, taking his money. There is, in the latter, a complication of offences; personal security as well as property are involved, and the crime enhanced. Perhaps robbery should be punished with death; but I think fine and imprisonment sufficient for the crime now under consideration. The public mind would more approve of it than the punishment of death.

Mr. BOUDINOT agreed in sentiment with Mr. HARTLEY. He said that extreme punishments often prevented a jury from convicting a criminal.

Mr. BARNWELL was of opinion that a crime of so pernicious a nature as robbing the mail, ought to be punished with death.

Mr. LIVERMORE was also in favor of the original clause. He observed that a felon was never so secure as when he was hanged out of the way. In reply to Mr. HARTLEY's remarks respecting the salutary effects of the new system adopted in Pennsylvania, he did not think they were so apparent as had been represented; crimes were still committed in this city; for, since the meeting of Congress, several attempts had been made to set it on fire. He said that punishments, and capital ones, would always be found necessary.

Mr. SMITH, of New Hampshire, observed, that punishments ought to be proportioned to the offences committed; this is not done in the bill. He therefore was under the necessity of voting against the clause, in order to obtain some modification of it.

Mr. HILLHOUSE was in favor of the amendment as reported by the Committee.

Mr. HARTLEY moved an amendment to the amendment, by striking out the words "for life." This was seconded by Mr. FINDLEY, and supported

by Mr. KITTERA; who observed, that it was a principle in jurisprudence not to leave too much to the discretion of the judges. This amendment was carried. On the question to agree to the section as thus amended,

Mr. BALDWIN stated sundry particulars to show that the crimes and punishments referred to in this bill, were on a totally different principle from those mentioned in laws already passed by the Legislature of the United States. He should therefore vote against the amendment.

The question being divided, the first was on striking out the clause, "shall suffer death;"—it passed in the negative; so that the original clause remains.

The twentieth section, respecting *franking*, Mr. WADSWORTH moved should be stricken out.

Mr. WHITE observed, that he did not like the clause as it stands; but he was not for abolishing the privilege altogether. He read a clause which very much restricted the privilege, and which he should prefer to the section in the bill.

Mr. HILLHOUSE said, he had thought favorably of the motion; but on more mature consideration, and after hearing the arguments on the subject from gentlemen in favor of it, he was of opinion it would be best to retain the privilege.

Mr. WADSWORTH observed, that finding a great alteration had taken place in the sentiments of gentlemen on the subject, he had been induced to renew the motion. He observed, that the evils resulting from the practice, he had found on inquiry were much greater than he had supposed; but if the practice is retained, he should greatly prefer the proposition of the gentleman from Virginia. He doubted not that a revenue might be raised from the Post Office, and in a way which would be perfectly agreeable to the people, provided abuses were kept out of the Department, by franks and other means.

Mr. STURGES replied to Mr. WADSWORTH. He observed, that it was not to be considered as a privilege conferred on the members, but intended solely for the benefit of the people; it had not been complained of: was productive of the most salutary consequences; and he did not think the disadvantages counterbalanced the numerous benefits resulting from it. As to the abuses mentioned, he had greater confidence in the honor and integrity both of the present members, and those of any future National Legislature, than to suppose they would abuse the privilege. He was in favor of every necessary restriction, but still for retaining the substance of the clause.

Mr. GERRY replied to Mr. WADSWORTH. He observed, that the arguments offered for abolishing the privilege, were the most forcible in favor of retaining it.

Mr. KITTERA said, that though the revenue of the Post Office might at first be affected, yet he was of opinion that the correspondences which would arise from those begun by franking, would eventually contribute to an increase of the revenue.

The further consideration of the amendments was postponed.

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WEDNESDAY, December 28.

A memorial of the Legislature of the State of New Hampshire was presented to the House and read, representing the inequality and injustice of a late act of Congress for the assumption of the State debts, and praying that the inequalities thereof may be removed, or the injuries and burdens thereby occasioned to the said State redressed in such other way as the wisdom of Congress shall deem expedient. Referred to the Secretary of the Treasury, for his information.

A Message from the President of the United States was received, accompanied with the copy of a Letter from the Attorney General, stating certain difficulties in the execution of his office. Laid on the table.

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The House resumed the consideration of the amendments, proposed by the Committee of the Whole on the Post Office bill.

The twentieth section, with the amendments, was agreed to. The privilege of *franking* to the members of both Houses, and conferred on the Secretary of the Senate, the Clerk of the House of Representatives, and some other officers, being under consideration, the following debate took place:

Mr. WADSWORTH having mentioned certain abuses that had heretofore crept in under cover of the privilege of franking, said that, of a great number of petitions which had been transmitted to him, hardly one had come by post.

Mr. GERRY observed, that if gentlemen thought it necessary to restrain members from writing (free of postage) to their families, and on their own private business, he would consent to such a proposition; but to propositions of a visibly dangerous tendency, he never would give his assent; and such he deemed those which tended to prevent the members from taking the newspapers, or to burden the carriage of the papers with a tax. That wherever information is freely circulated, there slavery cannot exist; or if it does, it will vanish as soon as information has been generally diffused. The light of information has enabled the French to discover their rights, which so long lay concealed from their eyes, and has put them in possession of their present Constitution. However firmly liberty may be established in any country, it cannot long subsist if the channels of information be stopped; instead, therefore, of taking any steps that might tend to prevent the diffusion of political information, the House ought to adopt measures by which the information, contained in any one paper within the United States, might immediately spread from one extremity of the continent to the other; thus the whole body of the citizens will be enabled to see and guard against any evil that may threaten them. To take any measures of a contrary tendency, would be establishing a precedent that may hereafter be improved to the most dangerous consequences. It is impossible to foresee whether every future Legislature of the United States will be entirely free from despotic principles; and if such a disposition

should at any time prevail in the Legislative body, the readiest way to effect their purposes, will be to stop the channels of political information; first, by preventing the members from taking the papers; in the next place, by preventing their sending them to their constituents; and lastly, by imposing a tax on the papers. This will be the surest mode of introducing a system of despotism into this country. The evils that are apprehended from the privilege of franking are but trifling, when compared with those evils of greater magnitude that may ensue from its abolition. A man might become a non-franking patriot on very cheap terms, indeed; but if gentlemen wished to establish their reputation for public spirit, this was not the proper mode.

It could hardly be supposed, he said, that any member would wish to retain the privilege of franking, merely for the sake of the trifling, contemptible advantage he would derive from franking his own letters. But if such an idea was entertained let a provision be made that no commercial letter, no letter on private business, nor any letters passing between a member and his family, shall be exempt from postage; and that no letters shall be franked but those relating to public business, enclosing petitions, or suing for redress of grievances.

Mr. WILLIAMSON observed, that if the burden of franks was made so heavy on the post office, as to destroy it, this would prevent, instead of promoting the diffusion of information, and thus the sooner pave the way for the introduction of despotism. From the per centage allowed to the postmaster on the free letters at New York during the last year, it appeared that, if they had been all charged with postage as single letters, they would have produced a revenue of two thousand two hundred and fifty-three dollars; but as a considerable proportion of them were triple and quadruple, the whole number might fairly be rated as double letters, and would thus have yielded four thousand five hundred and six dollars, a sum which, if applied to the extension of the posts to different parts of the Union, would furnish the means of diffusing more general information.

After further remarks, he observed, that the greatest charge contemplated for the conveyance of newspapers in the ordinary way, was to be only a cent and a half; whereas, if enclosed in franks, they would cost the public five cents each.

Mr. GILES did not consider the privilege of franking, as the cause of a general diffusion of information. The privilege he thought unnecessary, where public presses are established, the freedom of debate unrestrained, and the debates published in the newspapers. It is sufficient to leave every man at liberty to express his sentiments in the papers, and that the public are free to read them. Although the French nation, who before lived under an arbitrary Government, were now become free in consequence of the diffusion of information, yet he could not find that the National Assembly possessed the privilege of franking; even if they did, it could not be by means of that privilege the information had been diffused

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It had been said, that this privilege was conferred on the members, not for their own private benefit, but for that of the public. Were this the case, he would consent to retain it; but it extends further, private letters being equally exempt from postage, as those of a public nature. Thus one individual is exonerated from a certain burden or duty, which another individual is obliged to bear; and by extending the principle, it would ultimately authorize an exemption from any contribution whatever. If the object was merely to diffuse information, he would suppose that every individual in the United States ought to enjoy the same privilege, and that the post office ought to be established for this particular purpose, so that all the citizens might be upon an equal footing. If it were said that postage is not a tax, because no man is obliged to send letters by the post, the same thing may be said of the impost, as no man is obliged to pay the duty, since he may purchase or not, as he pleases. The constituent body, however, would be justly alarmed, if Congress were to say that the members should be exempt from the duty, while their constituents pay it; and yet, in the article of postage, this is exactly the case, as every member who has private business to transact, makes use of the post office for that purpose, derives a benefit from it, and is free from a pecuniary duty, which his constituents suffer. The grand security in every Representative Government being, that the Representatives should themselves be subject to the same rules and regulations which they impose upon their constituents, he was of opinion that, if the privilege in question were not a direct infringement of this principle, even if it were but an indirect or collateral one, Congress would, nevertheless, act wisely in relinquishing it; nor would the diffusion of information be checked by its abolition.

The abuses attendant on this privilege, he had not himself examined into. He took them on the authority of other gentlemen, who had been at the pains of examining; but, since it was acknowledged that abuses already exist, he thought it but reasonable to conclude that they would increase in proportion to the increasing number of those who are to use the privilege; and as the House will, in a short time, contain above a hundred members, the abuses may be calculated accordingly. Moreover, the very duration of the privilege will tend to viciate the use of it, as the example of other countries has sufficiently proved. Every gentleman on the floor must be sensible, that the abuses are already increasing, and are likely to increase still more. He had himself received two very heavy letters (one of them from an utter stranger) that were written merely for the purpose of enclosing letters to other persons, and thus avoiding the payment of postage.

After some further remarks, he concluded with a wish, that the clause might be either struck out, or so modified, as only to include letters of a public nature, beyond which he thought it dangerous to extend it.

Mr. LIVERMORE offered a few remarks, to show that the privilege is not confined to the members,

but common to them and their constituents, who derive from it the advantage of communicating their sentiments to their Representatives, free from postage. Whence he concluded, that Representative and constituent are only on a footing of equality.

Mr. GILES denied the equality, since the constituent's exemption from postage is confined to those letters which he writes to the members, and does not include his letters to any of his fellow constituents.

Mr. LAURANCE expressed his unwillingness to relinquish any privilege attached to an official station, unless good reasons were alleged for such a step. If he thought that sufficient reasons could be given for resigning a privilege that was coeval with the Government itself, he would concur with gentlemen in divesting themselves of it; but he did not think the arguments adduced for striking out the clause possessed that weight which gentlemen supposed. The privilege in question, though perhaps sometimes abused, had, to him, ever appeared highly beneficial, as affording an easy communication between the members and their constituents, for useful information. Many subjects had occurred in the House, on which he had found himself incompetent to decide from his own judgment, and wished to obtain information from some of his well-informed constituents; other gentlemen, he supposed, were often in the same predicament; and in such cases, as their judgment was to be exercised, not for their own advantage, but for that of their constituents, he did not think they ought to procure the necessary information at their own private expense, but at the public charge. As there are some evident advantages resulting from the privilege, he thought it necessary to examine whether the arguments, offered for its abolition, were well grounded. It had been said that members had, under cover, received letters which ought not to have passed free; but the bill, in its present form, provides a remedy for that effect, by directing that all such letters shall be sent to the post office and charged with postage. When this regulation is made known throughout the United States, no more letters will be so inclosed; or if any should yet be transmitted in that clandestine manner, surely the honor of the members may be so far relied on, as to expect that they will, in compliance with their own law, hand them over to the postmaster. No gentleman will so far commit himself as to lay his character open to censure and obloquy, by conniving at such abuses; if they have hitherto existed, it may reasonably be hoped that they will not hereafter prevail so extensively.

It had been alleged that the privilege would produce a diminution in the revenue of the post office; but he was surprised to hear such an allegation; for, since it was well known that, during the last year, the post office had yielded a net surplus revenue of five thousand dollars, to be employed in erecting new posts, if the privilege (notwithstanding the many abuses charged to its account) has still left the post office so productive, it can hardly be supposed that, when the abuses

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are corrected, it will operate more injuriously than heretofore.

The privilege of franking, he thought, more likely to increase than to diminish the revenue of the post office. Without it, fewer letters would be written by the members; whereas, those letters in which they communicate information respecting the different subjects which engage the attention of the Legislature generally produce other letters, a single one written to a commercial town, occasioning many others to other towns on the same subject.

The people, it had been said, would entertain a jealousy against their Representatives, on account of the privilege; and would be alarmed, lest this should open a door for an exemption from taxes in many other instances. But are the people jealous of the privilege by which the Constitution secures the persons of the members from arrest, during their attendance at the session, and on their way to and from it, whilst other citizens are liable to arrest at all times? They are not; and to suppose that because the members retain a privilege which has been constantly used since the first formation of the Government, they will also seek to exempt themselves from taxation, was, in his opinion, an unwarrantable supposition.

If the privilege were taken away, he did not think the members would be upon a footing of equality. It is well known that many members stand in a more particular relation to their constituents than others do. Those who come from commercial towns are subject to more numerous applications; and if they are, at their own expense, to defray the postage of all the letters they receive from their constituents, they will have to bear a heavier burden than other members, to whom applications are less frequently made.

The clause under consideration contemplates an exemption from postage for all official communications. Now, if gentlemen admit the principle, that the officers of Government, who are paid for their services, ought not to bear the expense of those communications, why should the members of the Legislative body be taxed for communications of a similar nature? If the members be obliged to pay postage, why should not the public officers pay it in like manner? If any distinction were made in this particular, there would be no equality in the application of the principle; and if, for the sake of equality, the whole clause were struck out, and the privilege taken away from all parties, then the public would have bills to pay for the postage of those officers who receive communications, or, it would become necessary to increase their salaries; for it would be unreasonable and unjust, to expect that they should, at their own expense, defray the postage of letters on official business.

Mr. WILLIAMSON observed, that the bill contemplates the establishment of double the number of post offices that were before in existence; that many of the new ones do not promise to be very productive, some of them not being likely to pay five shillings in the pound. That the charge for the last year was twenty-five thousand dollars;

and that, if the post office be not supported, the means will be wanting to aid the diffusion of information.

Mr. LAURANCE thought, that with moderate rates of postage, and a strict attention to the regulations established in the bill, there would be little danger of a deficiency of revenue to support the post office. He did not think the additional posts would so far exceed the revenue as the gentleman last up seemed to apprehend. Even if they did happen to exceed it, he was willing to go somewhat beyond the income of the post office, for the sake of a more extensive circulation of intelligence; and the additional sums that might be applied to this purpose, he would consider as money well expended. He did not, however, entertain any apprehensions on this head; but expected, that notwithstanding all the new posts, a surplus would still be found, instead of a deficiency.

Mr. BOUDINOT observed, that the privilege of franking is both personal and official; and, in both points of view, perfectly justifiable. As an official privilege, he thought its propriety would not admit of a doubt; for if men in office be not exonerated from those expenses which the performance of their duty entails on them, their salaries must be raised to indemnify them, as they cannot be expected to serve the public for nothing. As a personal privilege, he also thought it necessary, in order to preserve equality between the members from the distant parts of the Union, and those who live near the seat of Government. It was wise, he observed, to apply proper remedies to every inconvenience resulting from the remoteness of situation; and a member who comes from the distance of five or six hundred miles, would by no means stand upon an equal footing with another whose place of residence is less remote, unless he received a compensation for the local disadvantages under which he labors. This circumstance had been attended to, when the travelling charges of the members were settled, and a greater allowance was made to those from the more distant States, than from the nearer ones. In the article of postage, a member from Georgia or New Hampshire, would be obliged to pay more than a member from New Jersey; and unless a compensation be allowed, adequate to the increase of expense, a visible inequality must prevail. Suppose the price of boarding were raised in Philadelphia to six dollars per day, could the compensations be then considered as equal, unless the members were, either by the privilege of franking, or by an extra allowance for their postage, exonerated from the expense of that necessary correspondence which they are obliged to maintain with their families and their constituents? The privilege eases the public from the payment of a higher compensation; it was known and used when the compensation was settled, and the sum was determined accordingly.

As to the abuses that had been mentioned, he acknowledged, that, according to his ideas on that subject, the privilege had been abused, though, as some other gentlemen understood the matter, no abuse had been committed; for some thought

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themselves entitled to use the privilege in favor of their friends. But when the law expressly prohibits the members to do so in future, can it be imagined that they will pay less regard to the moral obligation of obeying the laws of their country, than the other officers of Government? Gentlemen acknowledged that the latter ought to be allowed to retain the privilege, and seemed to confine all the abuses to the members of Congress; but if it could be guarded in the hands of others, it could be equally so in the hands of the members, from whom it was reasonable to expect as scrupulous an obedience to the laws, as would be paid by the public officers.

The calculation that had been made (by Mr. WILLIAMSON) of the revenue that would have accrued from the franked letters, if they had been charged at the usual rate, produced on his mind an effect very different from what was intended. The postage, it was said, from this city only to New York, would have amounted to near five thousand dollars in a single year; and would any gentleman wish to subject the members to so heavy a tax? If the letters were not written, the post office would gain nothing on them; if written and charged with postage, at the expense of the members, it would be impossible for any one but a man of fortune to come forward and represent his fellow-citizens on the floor of Congress. This circumstance would, in its consequences, abridge the liberty of the people in the choice of their Representatives, a choice which the citizens of America have a right to make at their pleasure, electing men of talents and integrity to represent them, whether possessed of fortunes, or without them.

If it was gentlemen's intention to abolish the privilege of franking altogether, without making an exception in favor of the deputy postmasters, the deputies in every part of the Union would resign their offices, and how could the business of the post office be carried on, without postmasters? If men of character cannot be found to fill the vacancies, the post office will be exposed to very great danger, and people will be afraid to intrust their valuable letters to men of bad character. Most of the present postmasters are men of reputable characters; and what is their inducement to accept the employment? Not, surely, the trifling consideration of a few dollars per annum, but the advantage of writing an occasional letter free from postage, and the convenience of having the post attending at their own houses once or twice a week. From the abolition of the privilege, the post office would suffer much greater injury than gentlemen seemed to be aware of. It was wrong to suppose that the same number of letters would be written if it were taken away; and if retained, the additional weight of letters would prove no inconvenience. In answer to the arguments, drawn from the expense of the new roads, against the competency of the post office to support itself from its own revenue, he observed, that the additional expense will be only twelve thousand five hundred dollars; that the surplus of the last year had been five thousand; and if the old established roads continue equally productive, and the new ones pro-

duce even ten shillings in the pound, the post office will, on the whole, come so near defraying itself, that the trifling deficiency will not be an object worthy of attention.

Mr. WHITE observed, that if the section were retained in its present form, a member, who totally absented himself from Congress might, during the whole session, and twenty days before and twenty days after it, carry on a free correspondence to every part of the United States, on his own private business. This, he thought, by no means reasonable. He wished, therefore, to have the privilege limited to members actually attending their duty in Congress, and confined, moreover, to letters coming from, or written to, the State that each member represents; for he believed that very few gentlemen in the House correspond on public business with other States than their own.

Mr. MURRAY was decidedly of opinion, that all the officers of Government ought to have the privilege of sending and receiving letters on official business, free of postage; but he thought that the members of Congress ought not to enjoy the same advantage. When gentlemen argued this question, as relating to themselves, it appeared to him to be very little more than a competition between personal privilege and public utility. The abolition of the privilege would, in his opinion, prove highly advantageous to the post office, especially, when the number of the members is increased.

Mr. HILLHOUSE observed, that the privilege was conferred on the public officers, for the purpose of enabling them to transact the public business; and it was for the same purpose, the members were to enjoy it. That there is no reason to suppose a greater degree of virtue in the public officers than in the members of Congress; and that abuses are as likely to arise from the former as from the latter. He thought it was placing the characters of the members on a very low footing, indeed, to say that the public officers will never abuse the privilege, but that the members will crush the post office under a heap of abuses. To make a member pay for letters on public business, would be taxing him merely because he is a member; for, if he were not so, he would receive none of those letters. Some of the State Governments had already subjected the officers of the General Government to a tax on their salaries; and if the present motion were carried, it might furnish them with a hint for proceeding a step further, and taxing the compensations of the members. If a member of Congress be subjected to impositions that will depreciate his compensation; if his privileges be so abridged as to leave it inadequate, a pecuniary addition will become necessary; otherwise, no man can occupy a seat in the House, except a man of large fortune—a circumstance that would be pregnant with the most calamitous consequences. Whereas, if the doors of Congress be left accessible to every citizen, proper characters will be elected, without respect to fortune. If the privilege were to be withdrawn from the members, he hoped it would be equally abolished in every other instance; and that no invidious distinctions would

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be made, attributing a greater or less degree of integrity either to the members or to the public officers.

Mr. MURRAY replied, that he meant no reflection on the characters of the members, when he put them in competition with the public officers. If the privilege were withdrawn from the former, the door would be still open for any gentleman to introduce a mode of communication, between the constituents and their Representatives, that would be less liable to abuses. Memorials, petitions, &c., might come enclosed to the Speaker, or to the Clerk of the House; and every person forwarding such papers might, by an endorsement, designate the particular member whom he would wish to take charge of them.

From the complexion of the debate, a stranger might have been tempted to imagine that the point in dispute was, whether or not the members should be permitted to hold correspondence with their friends and their constituents; whereas, in fact, the only question was, whether they would relinquish a privilege which they had unconstitutionally assumed; since the Constitution, in enumerating the several privileges conferred on the Legislative body, is totally silent on the subject of franking.

The nature of the Executive Department requires secrecy and despatch; and this was one reason why he wished the public officers should be allowed to retain the privilege of franking; but the same argument could not be urged in favor of continuing it to the members of Congress, whose operations are deliberate and open to the public eye; to diminish the number and bulk of their communications, by depriving them of this unconstitutional and unnecessary privilege, so far from impeding the diffusion of intelligence, would, on the contrary, promote it, by increasing the revenue of the post office, and thus facilitating the more extensive circulation of newspapers.

Mr. GILES wished the motion so modified, as to meet the idea of the gentleman last up. The chief danger of the privilege appearing to result from its being vested in the members. In the course of the debate, he had observed, that when the taxation of members of Congress was mentioned, an apprehension had been expressed, lest they should be subjected to any new burdens; but that tender regard for their privileges, which made gentlemen so cautious of giving up any one of them, would, he believed, inspire them with an equal degree of caution, if ever there should be question of taxing members of Congress.

A gentleman had declared himself unwilling to relinquish this privilege; but, previous to such a declaration, the possession of it ought to be clearly proved. The Constitution, from which Congress derive all their rights, does no where mention such a privilege. The privilege of freedom from arrest, does not, it was said, give umbrage to the constituent body; but the reason is evident, and that is, that the Constitution expressly grants it. Suppose, however, the members of Congress had the further privilege of not being obliged to pay their debts; this, in addition to the other privileges,

would justly alarm their constituents. Here he saw an exemption from a pecuniary obligation—and the principle he considered as dangerous. On this ground, he wished the question might be taken on the privilege, merely as it respected the members; for, as to the Executive officers, he had not the same objection to their possessing it, since the mode in which they should use it is to be prescribed, not by themselves, but by the Legislature, who might safely be intrusted in conferring privileges on the officers of Government; but gentlemen were proceeding further, and going to determine what privileges they should themselves enjoy. The Representatives were not to be subject to the same duty that was imposed on their constituents, and this was what struck him as highly dangerous. He hoped other gentlemen would view the subject in the same point of light; and if it appeared equally serious to them, he trusted that no arguments of policy would be set up against the Constitution.

The use of the privilege, during the time past, had been given as an argument in favor of its future retention; but if the members had assumed an unjustifiable privilege, and used it, could that improper use furnish a sufficient reason for its continuance? The privilege in question is a personal advantage, not enjoyed by our constituents, and involves the violation of a most important principle.

He concluded, by reminding the House that the Constitution has conferred on the members every privilege which was thought necessary; and that if they swelled the catalogue, by the addition of any new privilege, it would, in fact, be adding a new clause to the Constitution. He hoped, therefore, that gentlemen would proceed with caution, especially when they were trading on what might be considered as at least doubtful ground.

The question being now called for, and passing in the negative, the section was retained.

The amendment to the twenty-third section was also agreed to, subjecting newspapers conveyed in the mail, to a postage of one cent for one hundred miles, and a cent and a half for any greater distance.

Section twenty-five, as amended and agreed to, authorizes the postmasters of Portsmouth New Hampshire, Boston, Providence, New York, Philadelphia, Baltimore, Annapolis, and Charleston South Carolina, to send the letters to the houses of the persons to whom addressed, and to charge, for such conveyance, one cent on each letter, in addition to the postage.

Having proceeded through all the amendments, the House adjourned.

THURSDAY, December 29.

Ordered, That the written Message, of yesterday, from the President of the United States, together with the Letter of the Attorney General, therein referred to, be referred to the committee to whom was committed the Report of the Attorney General, on the Judiciary system of the United States.

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Northumberland, Pa. Petition—Receipts and Expenditures. [DECEMBER, 1791.]

Ordered, That the petition of James Rumsey, by Joseph Barnes, his attorney in fact, which lay on the table, be referred to the committee appointed to prepare and bring in a bill or bills to amend the act, entitled "An act to promote the progress of useful arts."

The House proceeded to consider the bill, which lay on the table, for establishing the Post Office and Post Roads within the United States, together with the amendments thereto; and the same being further amended, *Ordered*, That the seventeenth and eighteenth sections of the said bill be re-committed to Mr. SMITH, of New Hampshire, Mr. LAURANCE, Mr. BALDWIN, and Mr. BOURNE, of Massachusetts.

FRIDAY, December 30.

The several petitions of Isaac Benjamin, James Bray, David Brown, John Carnaghan, Thomas Chandler, Philip Durk, and George Durk, Thomas Jones, John Kryster, William Miller, and Aaron Stratton, were presented to the House and read, respectively praying compensation or relief for supplies furnished, services rendered, wounds received, or injuries sustained, in the Army of the United States, during the late war. Referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

A petition of Abraham Darlington was presented to the House and read, praying to receive payment for property impressed for the use of the Continental army, during the late war. Referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of John Churchman was presented to the House and read, praying the patronage of Government to enable him to undertake a voyage to Baffin's Bay, for the purpose of making discoveries to confirm his new theory of the variation of the magnetic needle: Also, that the penalties imposed by the act, entitled "An act to promote the progress of useful arts," may be increased. *Ordered* to lie on the table.

PETITION OF NORTHUMBERLAND CO., PA.

A petition of sundry inhabitants of the county of Northumberland, in the State of Pennsylvania, was presented to the House and read, praying that an act, passed last session, imposing duties on spirits distilled within the United States, may be repealed.

On motion to refer the petition to the Secretary of the Treasury—

Mr. GILES objected to such reference as improper. He thought the subject cognizable by the House only.

Mr. GERRY made some remarks, which were opposed to a more particular attention to this petition than to others on the same subject. He thought the petition improper, as it prays for a repeal of the law. He threw out some reflections on the people of the Western counties for their want of patriotism, in not paying taxes for the

support of their State Government; and now, said he, they appear to wish to get rid of all contribution for the support of the General Government also.

Mr. FINDLEY observed, that it had been customary to refer the petitions to the Secretary of the Treasury. If this regulation had not been adopted, he should now be opposed to it. He replied to Mr. GERRY, and defended the character of the people of the Western counties; said they had paid their taxes for the support of the State Government with promptitude. Observations of a contrary kind, he knew, had got into the newspapers, which he thought were very uncandid and improper; but he was sorry to hear such observations from the members of this House. The present petition, however, is not from a Western county.

The motion for the reference was agreed to.

RECEIPTS AND EXPENDITURES.

The House again resolved itself into a Committee of the Whole House on the bill to extend the time limited for the settlement of the accounts of the United States with the individual States; and, after some time spent therein, Mr. MULLANBERG reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read and agreed to by the House.

The House proceeded to consider the report of the committee to whom were referred several motions for obtaining annual and regular statements of the receipts and expenditures of all public moneys, and for a due examination of such statements.

Mr. LIVERMORE rose for inquiry as to the denomination of Legislative proceedings which this report was to receive, whether it was to be enacted into a law, or to be considered as a standing rule of the House.

Mr. GERRY replied. He said the object was to obtain such information, from time to time, as was necessary to forming a judgment respecting the propriety of additional taxes. The committee has taken such steps as they thought proper; the result is before the House, and it remains for them to dispose of it as they may think proper. He thought there would be a propriety in making it a standing rule of the House. It would be acting agreeably to the Constitution, which expressly says that such an account shall be exhibited.

Mr. LIVERMORE said he could not see any propriety in this mode of proceeding. He was in favor of as full an investigation into the expenditures of public money as any man; but he thought that no rule or standing order of the House could control the law. A law is already enacted for the regulation of the Treasury Department; if this law is defective, it may be amended; but he had no idea of doing business in this way. As the gentleman has observed, we have a right to call for such an account whenever we please, agreeably to the laws already enacted, and therefore the resolution seems to be superceded. Besides, he doubted whether the power of this House extend-

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Election of President and Vice President.

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ed to the making rules which shall bind any future Congress.

Mr. GILBS undertook to show, from the Constitution, that one Congress had a right to prescribe rules for a subsequent Congress. He showed that several disadvantages would accrue from a contrary position, and in fact do already exist in consequence of the House having acted on the opposite supposition.

Mr. GERRY contended, that the regulation proposed was necessary, in order to securing this important object. The House had a right to call for this information; the Constitution has made it our duty to do so, and we have a right to say in what manner, and at what periods, this information shall be received.

Mr. BOURNE said, he conceived the resolutions were entirely superfluous, as the law was express on the subject. He called for the reading of the law; which was read.

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Mr. LIVERMORE denied the right of one House to impose rules on another. The supposition, in his opinion, was contrary to several express provisions in the Constitution; to prove which, he referred to several parts of that instrument.

Mr. MURRAY was of opinion that the practice of the House justified the adoption of the resolutions now under consideration. He referred to the Secretary of the Treasury's report on Manufactures, which had been ordered by a former House, and received by the present.

Mr. GERRY, in reply to Mr. BOURNE, observed, that the article in the law just read, had respect only to the *estimates* of receipts and expenditures. An estimate, he supposed, was a very different thing from an account.

Mr. WILLIAMSON supported the resolutions. He said the present Congress had a right to make such rules and regulations respecting the Treasury as they thought proper; and to say that those rules shall be perpetual; still a future Congress may repeal them, and establish others which they may say shall be standing rules.

Mr. NILS wished some rules similar to those proposed should be adopted. He denied the right of one Congress, in its rules and regulations, to bind another. On this principle, the present House may choose a Speaker for a subsequent House. The question never has been for repealing the rules and regulations of a former House; but, whether they shall be adopted? He wished for a law on the subject, but was opposed to the inquiry in its present form.

Mr. CLARK was in favor of adopting some measures to obtain the information in question; but he thought the present House had no more right to bind a future House by a standing rule in this respect, than they have to say that the Speaker of the next House shall wear a tie-wig. He moved an amendment, by making the resolution to read, "that the return should be made on the fourth Monday of October next." This motion was seconded, but not agreed to.

One of the resolutions offered by the Commit-

tee, after some modification, was agreed to as follows:

Resolved, That it shall be the duty of the Secretary of the Treasury to lay before the House of Representatives, on the fourth Monday of October in each year, if Congress shall then be in session, or if not then in session, within the first week of the session next following the said fourth Monday of October, an accurate statement and account of the receipts and expenditures of all public moneys, down to the last day inclusively of the month of December immediately preceding the said fourth Monday of October, distinguishing the amount of the receipts in each State or District, and from each officer therein; in which statements shall also be distinguished the expenditures which fall under each head of appropriation, and shall be shown the sums, if any, which remain unexpended, and to be accounted for in the next statement, of each and every of such appropriation.

MONDAY, January 2, 1792.

An engrossed bill to extend the time limited for settling the Accounts of the United States with the individual States was read the third time and passed.

A Message was received from the President of the United States, communicating a statement of the disposition of the sums expended from the ten thousand dollars appropriated for contingent expenses of Government.

ELECTION OF PRESIDENT AND VICE PRESIDENT.

The House then took up, in Committee of the Whole, the bill relative to the election of a President and Vice President, &c., Mr. MUMFORD being in the Chair.

The ninth section being under consideration: a motion had been made to strike out "the President of the Senate *pro tempore* and Speaker of the House of Representatives," &c.

The question being divided, the vote on the President of the Senate *pro tempore* was put and negatived; that on the Speaker of the House of Representatives was also negatived. The tenth, eleventh, twelfth, and thirteenth sections, were discussed and agreed to.

The Committee then rose and reported the bill with the amendments to the House. The House took the same into consideration. The first amendment was not adopted. The second amendment was to insert "Legislature" instead of "authority," which was agreed to.

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A division of the said motion was called for. Whereupon,

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Post Office Bill.

[JANUARY, 1792.]

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Thomas Fitzsimons, William B. Giles, Samuel Griffin, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, Daniel Heister, Philip Key, Amasa Learned, Samuel Livermore, William Vans Murray, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

And then the question being put for striking out the words "and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being," it was resolved in the affirmative—yeas 26, nays 25, as follows:

YEAS.—Messrs. John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Samuel Griffin, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Messrs. Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Benjamin Goodhue, James Gordon, William Barry Grove, Daniel Heister, Philip Key, Aaron Kitchell, Amasa Learned, Samuel Livermore, William Vans Murray, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Peter Sylvester, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

A clause was added to the bill, on motion of Mr. TUCKER, providing for the choice of a President of the Senate *pro tempore*, in case of vacancies in the offices of President and Vice President.

The bill was then laid on the table, and the House adjourned.

TUESDAY, January 3.

THE POST OFFICE BILL.

Mr. SMITH, of New Hampshire, from the committee to whom were re-committed the seventeenth and eighteenth sections of the bill for establishing the Post Office and Post Roads within the United States, made a report: Whereupon, the amendments reported by the said committee, in lieu of the seventeenth and eighteenth sections, were, on the question put thereupon, agreed to by the House.

Several other amendments being proposed to the bill—

A motion was made by Mr. FITZSIMONS to

allow the proprietors of stages employed in conveying the mail, to carry passengers also, without being liable to molestation or impediment, on any of the post roads.

Against this motion it was urged, that the General Government has no right to make any such provision; and that even if it possessed the power, such an exertion of it would be unjust, as it would interfere with the private rights of individuals, who, under the laws of some States, (Maryland and Virginia, for instance) enjoy the exclusive privilege of driving stages for the conveyance of travelers. Under the faith of the State laws, which were in existence before the establishment of the present Government, and have not yet been abrogated, these citizens vested a considerable property in this business, in hopes of reaping an adequate advantage from their undertaking. In many instances, it was made a condition in the contract, that they should make and repair the roads at their own private expense: the terms they complied with; but they would not have thus expended their money, or established the stages at all, if they had not obtained a monopoly to secure them in the exclusive enjoyment of the benefits; and to this monopoly the public are indebted for the cheap and easy conveyance which those stages at present afford for private passengers and the mail of the United States. Many of the original proprietors have made transfers of their right, for considerable sums of money; nor can the right, thus acquired by the present proprietors, be impaired, without an open violation of private contracts, and the invasion of a property lawfully purchased, and guaranteed by the State Legislatures,—a property, which Congress have no right to take for the public use, without making an adequate compensation.

That clause of the Constitution which empowers the Federal Government to establish post offices and post roads, cannot, it was said, be understood to extend farther than the conveyance of intelligence, which is the proper object of the Post Office establishment. It gives no power to send men and baggage by post. The State Governments have always possessed the power of stopping or taxing passengers; that power they have never given up; and the proposition now made to wrest it from them, might be viewed as an attempt to lay the State Legislatures prostrate at the feet of the General Government, and will give a shock to every State in the Union.

If, by the construction of that clause of the Constitution, which authorizes Congress to make all laws necessary for carrying into execution the several powers vested in them, they should establish the proposed regulations for the conveyance of the mail, they may proceed farther, and so regulate the post roads, as to prevent passengers from traveling on them; they may say what weights shall be carried on those roads, and at what seasons of the year; they may remove every thing that stands in their way—they may level buildings to the ground, under pretence of making more convenient roads; they may abolish tolls and turnpikes; they may, where an established

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ferry has been kept for a hundred years past in the most convenient place for crossing a river, give the post-rider authority to set up a new one beside it, and ruin the old establishment; they may say, that the person who carries the mail shall participate in every privilege that is now exclusively enjoyed by any man or body of men, and allege, as a reason for these encroachments, that they are only necessary encouragements to carry the mail of the United States. In short, the ingenuity of man can not devise any new proposition so strange and inconsistent, as not to be reducible within the pale of the Constitution, by such a mode of construction. If this were once admitted, the Constitution would be an useless and dead letter; and it would be to no purpose, that the States, in Convention assembled, had framed that instrument to guide the steps of Congress: as well might they at once have said, "There shall be a Congress, who shall have full power and authority to make all laws, which to their wisdom shall seem meet and proper."

But the States will never submit to this new regulation; nor will the individuals concerned tamely suffer an invasion of those rights, which they enjoy under the State laws. A contest will undoubtedly ensue; and the present proprietors of the stages will not fail to stop any new stage-wagons that carry passengers along their roads, whether they carry the mail or not. It would be unwise in Congress to enter into a contest where the advantage is but trifling, and the risk much greater perhaps than they are aware of. It is easy to blow a small spark into an extensive flame; and prudence ought to caution them against raising a ferment, which may be productive of the most serious consequences.

In favor of the motion it was urged that the Constitution, in authorizing Congress to establish post offices and post roads, and to make all laws necessary for carrying into execution the several powers intrusted to them, has conferred on them ample powers respecting the point in question. If the post roads belong to the United States, then every citizen of the United States has as good a right to use them, under the regulations of Congress, as the citizens of any particular State, through which they happen to run. If they belong to the individual States, and are subject to their regulation, the same authority that limits the use of them to particular wagons, may also say that those wagons shall carry nothing else but passengers, and thus even the mail itself may be prevented from passing.

It was thought hard that a citizen of the United States should be prevented from traveling through an individual State in a stage-wagon, unless the wagon belonged to that State. If a right exists in the State Legislature to impose a tax in this instance, they may farm it out at a high rate, and make it amount to what they please: they may proceed further, and oblige every citizen of the United States who travels within their boundaries, to purchase a certificate to entitle him to pass.

If the House meant to establish the post office at all, and to have the roads free, it was thought necessary to make such a provision as the one un-

der consideration. If not, the Postmaster General may be obliged to adopt the less convenient mode of having the mail carried every where on horseback; even in this case, the State Legislatures may subject the post-horses to a tax, upon the same principle as the post-carriages.

The question, it was said, could not involve any controversy between the United States and the individual States. It was merely a judicial question, and determinable in a Court of Law, whether a State has a right to grant and support such a monopoly. Other monopolies had existed before the establishment of the General Government, but had been since done away; the duty of tonnage, for instance, which had been granted in some States for the improvement of navigation.

As to the infringement of contracts made before the adoption of the Constitution, if the different Conventions had agreed upon that ground, the Constitution itself would never have been adopted, as it abrogated not only several private contracts, but even certain parts of the State Constitutions themselves. But the evil, in the present case, would be great indeed, if the States were allowed a power of repealing or annulling the principles of the Constitution, under cover of acts that existed previous to its formation.

The laws of the United States must be general: they must operate equally throughout the Union, nor be clogged with any incumbrances or restrictions in any one State more than another. The power of barely establishing post roads would prove a mere nullity, unless accompanied with a power of making them useful. The stages are a public convenience to the citizens of the United States traveling along those roads; and if the State Legislatures exercise the power of stopping and taxing those carriages at their pleasure, the utility of this mode of conveyance, together with that of the roads themselves, will be in a great measure destroyed. If, to prevent this evil, and the better to accommodate the citizens of the United States, and to facilitate the conveyance of the public mail, Congress found it necessary to establish turnpike-roads from one end of the Continent to the other, the Constitution gave them full power to make such regulations and it hoped they would soon adopt the measure.

Without coming to a decision, the House adjourned.

WEDNESDAY, January 4.

Mr. LAURANCE, from the committee to whom was referred the memorial of Brigadier General Joseph Harmer, in behalf of the commissioned officers of the army, made a report; which was read, and ordered to lie on the table.

A memorial of the Legislature of the State of Rhode Island was presented to the House and read, representing the injuries they are subject to from the operation of an act of Congress relative to the assumption of the State debts, and praying a farther assumption of the debt of that State. Referred to the Secretary of the Treasury.

The Speaker laid before the House a Letter

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from the Secretary of War, accompanying his report on the memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians. Whereupon,

Ordered, That the said memorial and report be referred to Mr. AMES, Mr. BOUDINOT, and Mr. STEELE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. LIVERMORE, from the committee to whom was referred the petition of George Webb, together with the report of the Secretary of the Treasury thereon, presented a bill granting farther compensation to certain receivers of Continental taxes; which was received, and read the first time.

THURSDAY, January 5.

A bill granting further compensation to certain receivers of Continental taxes was read the second time, and ordered to be committed.

THE POST OFFICE BILL.

The House resumed the consideration of the bill, which lay on the table, for establishing the Post Office and Post Roads within the United States. Whereupon,

A motion was made and seconded further to amend the said bill, by inserting, after the _____ section, the following clause:

"And be it further enacted, That it shall be lawful for the carriages, by which the mail shall be conveyed, to receive passengers to or from any place or places, and through any State or States, upon all roads declared to be post roads, by the laws of the United States."

Mr. CLARK objected to the proposition. He thought it would give rise to a contest between the State and General Governments, which he conceived was unnecessary, and had better be avoided.

Mr. SENBY also objected to it. Before such a clause was agreed to, it certainly was incumbent on the gentlemen in favor of it to show that the regulations in the several States which would be affected by it, had or would obstruct the transportation of the mail. Except this was made to appear, it ought to be well considered how far the interference with those privileges would tend to disturb the tranquility of the Government.

Mr. LIVERMORE said he had no doubts on this subject. The right of Congress to send the mail in that way which will be most for the public advantage, cannot be controverted. Let gentlemen consider what would be the consequence, if similar monopolies existed in all the other States; it would entirely render nugatory the power of Congress to establish post offices and post roads. The consequences of this are easily to be conceived. It is said, that the persons vested with these exclusive privileges have contracted on as easy terms as the Postmaster General could have contracted with any other persons; but it does not follow that they will not extort in future—it certainly destroys all competition, and leaves the

United States entirely in the power of these persons. He hoped that the House would not hesitate to adopt the proposition.

Mr. SENBY replied to Mr. LIVERMORE, in a few remarks, in which he justified the States of Maryland and Virginia for granting the monopolies in question.

Mr. GERRY said he was in favor of the proposition. He asserted that the power to establish post roads was coeval with that of establishing post offices; if the former power is not in Congress, they have already proceeded too far in exercising the latter power. It has been said, that the States had a right to grant these monopolies—to this he conceded that they had, previous to the adoption of the Constitution; but, in consequence of that event, all such laws are null and void of course. It is become necessary for Congress to carry their power in this respect into execution; for he had been informed, from good authority, that the Postmaster General could not contract with these persons upon the same terms that he could with others. He instanced other inconveniences and disadvantages resulting from this situation of things, especially by an unnecessary detention of the mail for two days every week. Congress ought to define and declare their powers, that those States which have passed laws incompatible therewith may repeal them. With respect to the power of establishing post offices, none of the States claim a participation of that power; and as to the establishing post roads, if the States possess any power in that case, Congress certainly possesses concurrent power; and therefore this Government may certainly make the necessary regulations, where the States have either made improper regulations, or no regulations at all. He conceived that justice to individuals, and to the United States, rendered it absolutely necessary for Congress to exercise the power.

Mr. NILSE inquired, what is the import of the present question? Is it not, sir, whether you may carry your mail through any of the States, on foot, on horseback, or in a stage coach? It is not contended that any law of any State can, constitutionally, prevent this. The States, by adopting the Constitution, have ceded their right to you, and of course divested themselves of all right to prevent you from exercising it. But, sir, the question is simply, whether Congress have a right to authorize the carrier of the mail to carry passengers, on hire, through those States where an exclusive right of carrying passengers for hire has been granted by the State Government, and still exists. You are empowered by the Constitution to establish post offices and post roads, and to do whatever may be necessary and proper to carry that power into effect. Now, sir, is it necessary, in order to the transportation of your mail, that you should erect stage-coaches for the purpose of transporting passengers? What has your mail to do with passengers transported for hire? Why, sir, nothing more than this—by granting to the carrier of your mail a right to carry passengers for hire, the carriage of the mail may be a little less expensive. Does this consideration render it ne-

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cessary and proper for you to violate the laws of the States? If not, you will, by so doing, violate their rights, and overleap the bounds of your own. This matter may occasion a legal adjudication, in order to which the Judiciary must determine, whether you have a *constitutional right* to establish this regulation, and this will depend on the question whether it be *necessary and proper*. A *curious discretionary law* question! Such a one as I presume never entered the thought of the States when they adopted the Constitution. But, sir, if the trifling pecuniary saving proposed by this regulation, entitles it to the character of a *necessary* one, or, in the sense of the Constitution, a *proper* one, and so a constitutional one, what may not Congress do under the idea of *propriety*? It may be *proper*, for the sake of a more advantageous contract for carrying the mail, to authorize the carrier to erect ferry-boats, for the transportation both of the mail and of passengers—or to grant the right of driving herds of cattle over toll bridges and turnpike roads, toll free, in violation both of legal and prescriptive rights—to erect post-houses under peculiar regulations, and with exclusive right. What, sir, may not be construed as *proper* to be done by Congress? Under this idea, the whole powers vested in Congress by the Constitution will be found in the magic word *proper*; and the States might have spared, as nugatory, all their deliberations on the Constitution, and have constituted a Congress, with general authority to legislate on every subject, and in any manner it might think *proper*. What rights, then, remain to the States? None, sir, but the *empty* denomination of Republican Governments. I consider the proposition as an attack upon the rights of the States, and shall therefore give my vote against it.

Mr. BARNWELL said he had no doubt of the constitutionality of the proposition; but he was of opinion that the present was not the most eligible time to exercise the power. Still he was of opinion that Congress ought now to declare that it would exercise it at the expiration of the contracts which at present exist between particular States and individuals, and he moved a proviso to that effect, as follows:

“*Provided*, That whenever any exclusive privilege of conveying passengers for hire in stage carriages, on any of the roads established by this law, hath been heretofore granted by any of the States for a term of years, such exclusive privilege shall continue and be of full force and effect, agreeable to the conditions thereof, until such term shall expire.”

Mr. LAURANCE was in sentiment with Mr. BARNWELL, and seconded his motion for adding a proviso, as above.

Mr. CLARK objected to the proviso; it was legislating on a subject of which the House was entirely ignorant. We do not know how long those contracts are to exist; why should we, then, interfere in a business which we ought not to do any thing about. We may set aside the law, or the State may abrogate it, but in either case the proprietors would be entitled to a full indemnification. For his part, he thought the House was

getting into a maze—the bill has long been under consideration, and we seem to make no progress. I could wish that the whole bill was buried, and that we might hear no more of post offices and post roads.

Mr. VENABLE controverted the constitutionality of an interference on the part of Congress in respect to these monopolies. He observed, that the Constitution was totally silent on the subject of passengers; it simply relates to the transportation of letters. And he conceived that the operation of the proposition would be to create monopolies on the part of the United States.

[It was here contended that the proviso was not in order. The Speaker said it was not in order. An appeal was then made to the House, which voted that the proviso was in order, and it was then discussed.]

Mr. WADSWORTH said he was opposed to both the clause and the proviso; he conceived there was no occasion for either. The State of Connecticut has granted exclusive privileges to run stages in that State, but has reserved to itself the power to annihilate those contracts at pleasure; and, whenever the General Government shall make provision for transporting the mail on those roads, those exclusive privileges will cease; and he did not know but that this was the case in other States.

Mr. LIVERMORE said the proviso was the most extraordinary one he had ever heard in his life—we in the first place, in effect, abrogate certain laws of particular States, and then by a proviso confirm those very laws.

Mr. LAURANCE contended that, however extraordinary the proviso may appear, it was strictly proper. Contracts are not to be violated—once formed, they are sacred. The States had a right to form those contracts, and to grant those privileges, and therefore the persons enjoying them cannot be deprived of them; and though the General Government has undoubtedly a right to take the most eligible methods for the transportation of the mail, yet the rights of these people ought not to be violated.

Mr. GERRY opposed the proviso. It recognised the right of the respective States to pass such laws as the first part of the clause intends to abrogate, not only before, but subsequent to the adoption of the Constitution, which he conceived involved an absurdity. On the general subject, he said, that these monopolies were a tax, not only on the citizens of other States, but of every State in the Union. He conceived that no State possesses the power of taxing the people of the United States.

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Mr. LAURANCE was in sentiment with Mr. BARNWELL, and seconded his motion for adding a proviso, as above.

Mr. CLARK objected to the proviso; it was legislating on a subject of which the House was entirely ignorant. We do not know how long those contracts are to exist; why should we, then, interfere in a business which we ought not to do any thing about. We may set aside the law, or the State may abrogate it, but in either case the proprietors would be entitled to a full indemnification. For his part, he thought the House was

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[It was here contended that the proviso was not in order. The Speaker said it was not in order. An appeal was then made to the House, which voted that the proviso was in order, and it was then discussed.]

Mr. WADSWORTH said he was opposed to both the clause and the proviso; he conceived there was no occasion for either. The State of Connecticut has granted exclusive privileges to run stages in that State, but has reserved to itself the power to annihilate those contracts at pleasure; and, whenever the General Government shall make provision for transporting the mail on those roads, those exclusive privileges will cease; and he did not know but that this was the case in other States.

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Mr. BENSON remarked, that the proviso was improper and unnecessary. Should any consequences result from agreeing to the first part of the clause, they will arise between the individual claiming the privileges and the State which granted them, and must be settled by a judicial decision.

Mr. STURGES said he should vote in favor of the proviso, though he conceived that Congress had a right to make such a law as would, in its operation, entirely supercede these contracts.

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Mr. FINDLEY was opposed to the proviso, because it was legislating on improper principles, or rather no principles whatever; for we know nothing about those contracts.

On the question being put, to agree to the said proviso, by way of amendment to the said clause, it passed in the negative—Yeas 14, Nays 43, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Samuel Griffin, Daniel Huger, John Laurance, James Madison, William Vans Murray, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, and John Vining.

NAYS.—Fisher Ames, John Baptist Ashe, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Nicholas Gilman, James Gordon, Andrew Gregg, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kitters, Amasa Learned, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Peter Sylvester, Thomas Tredwell, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

And then the question being put to agree to the said amendment first proposed, it passed in the negative—Yeas 25, Nays 33, as follows:

YEAS.—Fisher Ames, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, James Gordon, Andrew Gregg, Daniel Huger, John W. Kitters, John Laurance, Amasa Learned, Samuel Livermore, Nathaniel Macon, Frederick Augustus Muhlenberg, William Smith, John Steele, Jonathan Sturges, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Elias Boudinot, John Brown, Abraham Clark, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, James Madison, Andrew Moore, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

And then the said bill being further amended, it was, together with the amendments thereto, ordered to be engrossed, and read the third time on Monday next.

Mr. AMES, from the committee to whom was referred he memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians, made a report; which was read, and ordered to lie on the table.

A petition of Daniel Freer was presented to the House and read, praying the renewal of certain loan office certificates, which were destroyed by fire. Referred to the Secretary of the Treasury, to examine the same, and report thereon to the House.

FRIDAY, January 6.

JOHN CHURCHMAN.

A motion being made that the petition of John Churchman, which lay on the table, be referred to a select committee—

Mr. WILLIAMSON objected to the reference. He remarked generally that the subject had already been before Congress, and had consumed much time. In the Senate, he understood, it had not received much attention. With respect to the prosperous state of the finances, on which the petitioner appear to found his hopes, he would not pretend to determine the state of the Treasury; but if it was full and flowing, he conceived there were other expeditions which would call for all the money we had to spare.

Mr. PAGE moved that the memorial should be referred to a select committee without opposition, as the ingenuity of the memorialist, and the importance of the objects he had in view, entitle him to the attention of the House. He had presented the memorial to the House last week, at the desire of the memorialist, and had moved that it should lie on the table for the consideration of members. That one object of the memorialist could not so well be stated to the House as to a committee, where numbers of his papers and calculations might be examined; that if he should attempt to do Mr. Churchman justice in the House, he might be charged with affectation, or he might not be heard, or if heard, he might not be sufficiently understood. He therefore hoped that the memorial might be referred to a select committee. In reply to Mr. WILLIAMSON, he was sorry to find that a gentleman, whose name stood on the list of philosophers, instead of aiding him in countenancing a philosophical inquiry, should oppose even his motion that the House would refer it to the consideration of a select committee. He had not presumed to say that there was money in the Treasury to be spared for such purposes, or that even if we had money, that we had a right to give it to Mr. Churchman, if he should prove the truth of his theory; nor had he said that Mr. Churchman would find the magnetic pole. He had only affirmed that Mr. Churchman's ingenuity, which was acknowledged by many competent judges, and the importance of the objects he had in view, one of which the member himself confessed deserved attention, and the other was confessed by several philosophers and learned societies in Europe, deserved the attention of the House. Sir, added Mr. P., I affirm, since I am thus compelled to support my motion, that Mr. Churchman's theory, whether he shall be able to find by his proposed voyage the magnetic pole or not, is a proof of his ingenuity, and is preferable to that of the great Halley. The latter supposed four magnetic poles, and that they resided within the bowels of the earth; the former supposes but two, and that one of them is in the neighborhood of one of the United States, and within the reach of the fishing voyages of another. Since Dr. Halley's theory has been exploded which did not long account for the variation of variation, as it is called, and which he ex-

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plained by an hypothesis which has been called extravagant, as it supposed the earth a hollow shell, with a nucleus within, revolving freely, and carrying round it the four points which he supposed attracted the magnetic needle, and gave it its direction—no theory, except Mr. C.'s, has been offered to the world, which solves so many phenomena of the variation of the needle, and bids fair to be of real use. I assisted (by the invitation of one of the committee of the first Congress at New York, to whom Mr. C.'s memorial was referred) in the examination of his theory respecting the finding the longitude of any place whose latitude is known, and where the variation is known, and I put it to the test in this manner. I gave Cook's voyages to one of the committee, and desired him to tell me the latitude of any place and the variation found there, and I calculated what the longitude ought to be according to the theory, and constantly found it to be nearly that stated in the voyage. The committee compared Mr. C.'s calculations of the longitude which they demanded of him, with that given by Cooke, and found a wonderful agreement; and I have since seen many of Mr. C.'s comparisons of this sort, which agree with observations so nearly, as to justify my assertion that the theory shows the ingenuity of Mr. C.; and I will add, that although it may not be generally applied to finding the longitude, because of the smallness of variation in some places, and other circumstances, yet it may be used in many places, if the truth of the theory be once established; and whatever can contribute to the discovery of longitude at sea must be worthy of encouragement. But granting that the variation of the needle could not be applied to the discovery of the longitude at sea, yet an easy and certain method of finding the variation is a most desirable thing, and of great consequence to geography, navigation, and surveying; and if Mr. C.'s theory be true, not only the variation, but the alteration of that variation, will be found by an easy calculation at any place whose longitude and latitude are known, and for any given time; and he puts the truth of his theory to the test, which few theorists have been willing to do, of a single experiment—a voyage to Baffin's Bay. The United States need not be ashamed to encourage the memorialist; the British Parliament encouraged voyages to ascertain the truth of Halley's theory; and, if I mistake not, when that was abandoned, it was supposed the poles of the earth influenced the needle; the Parliament offered twenty thousand pounds to any one who would go to the North pole, and at the expense of their Government the attempt has been made. But Mr. C. only requires that a voyage be made within fourteen degrees of that pole; and all I have asked is, that his memorial be referred to a committee to examine his theory, his calculations, and vouchers, respecting the probability of its truth, and the reasonableness of his petition. If the committee should think his theory worthy of the experiment, he proposes to establish its truth; and if this House should not think Congress authorized to grant money for that purpose, they may recommend Mr. C. and his theory to the patronage of the Legiala-

tures of the sister States, whose authority and ability to enable the memorialist to prosecute his inquiries cannot be doubted, any more than their readiness to listen to a recommendation so worthy of Congress. On the other hand, should the committee be of opinion that Mr. C.'s is a wild project, and that his petition ought to be rejected, let the House, if satisfied with their report, confirm it by their unanimous vote. Where then is the danger of referring the memorial to the consideration of a committee? But if the House reject the motion for a reference, and the ingenious memorialist be obliged to apply to foreign countries, whose learned societies have already applauded his theory, and should there meet with encouragement, and be enabled to establish its truth, may we not be in danger of incurring the censure of the liberal and enlightened world?

Mr. CLARK made some observations on the subject. He said that the variation of the needle was already sufficiently understood by all land surveyors, otherwise they were not fit for their business; and with regard to any discoveries by sea, he had little hopes from them, after all the fruitless attempts which have been made by the ablest navigators and philosophers of Europe.

Mr. SENEY said, that there was a degree of attention due to all applications from men of genius, and as Mr. C.'s memorial comes supported by many respectable vouchers, it ought certainly to be referred to a committee; if Congress should not deem it proper to give him the aid he requires at present, perhaps it may be recommended to the next House to afford him encouragement.

Mr. WILLIAMSON said, it was the very same petition which had been before Congress the last session, when there were only three or four members who appeared to support it.

Mr. PAGE said it was not out of order to reconsider the subject; and to condemn it rashly, without a proper investigation, would be to render Congress ridiculous in the eyes of the world.

Mr. MURRAY hoped the House would appoint a committee. He was not in Congress when this subject was before decided against. This was a question on which he was incompetent to decide, but he could feel sufficiently for the literary reputation of the House, and the great interest of science, to believe, that to commit the matter to a committee would best comport with the dignity of the subject. Something more than was then submitted to the wisdom of Congress, is now brought forward; at least Mr. Churchman so alleges. Let those gentlemen who wish to have an opportunity of gratifying a laudable curiosity be indulged. When a man of science comes here with supposed discoveries in the active sciences, we owe it to the subject, to ourselves, and to human nature, to give his propositions fair play and mature consideration. We cannot do this without a reference to a committee. We ought to be cautious how we hastily decide on the views and experiments of philosophical applicants, and ought to take warning from the disgrace of other nations whom history has held up for their premature rejection of enterprises and schemes of science. Co-

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Election of President—Post Office Bill—Catharine Greene.

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LUMBUS himself, to whom we owe our country, travelled about, a philosophical vagabond, through many Courts of Europe, and met with patronage at last out of his own country. There may be nothing solid in this projected scheme, but let gentlemen be indulged—it will be most decent.

The question for referring being taken, it was carried in the affirmative by a large majority, and a select committee appointed.

Mr. PAGE, Mr. WADSWORTH, and Mr. WAYNE, were appointed said committee.

ELECTION OF PRESIDENT, &c.

The House resumed the consideration of the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President: whereupon, *Ordered*, That the said bill, together with the amendments thereto, be recommitted to a Committee of the Whole House.

Mr. LAURANCE, from the committee appointed, presented, according to order, a bill to ascertain and regulate the claims to half-pay, and to invalid pensions; which was received and read twice and committed.

The House then proceeded to consider the report of the committee to whom was referred the memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians, together with the report of the Secretary of War thereupon; and, after debate, an adjournment was called for and carried.

MONDAY, January 9.

THE POST OFFICE BILL.

The bill to establish Post Offices and Post Roads in the United States was read the third time. Mr. MURRAY moved to recommit the bill, in order to amend the section respecting newspapers, by reducing the postage on them to a half cent. Some opposition was made to this motion, and the question being put it was negatived.

The House then proceeded to fill up the blanks. The blank for the term of the contract was filled with "five years." Penalty for obstructing the transportation of the mail, \$100. For negligence on the part of any ferryman, by which the mail may be delayed, \$10 for every half hour. Advertisement for contract to be published twelve weeks. The blank for the Postmaster General's salary was filled with \$2,000; that of the assistant, \$1,000. The new rates of postage to commence the first day of March next. Penalty for exacting a greater rate of postage than that established by law, \$100. Penalty for setting up posts for carrying letters, &c., in opposition to the General Post Office, \$200; for continuing so to offend, \$300 per week. For the deputy postmasters' neglect to account with the Postmaster General for way letters, \$100. Penalty for unlawfully opening, detaining, or embezzling letters, packets, &c., by any person in the

Post Office Department, \$300, or imprisonment for six months. For quitting and deserting the mail, so that it should not reach its destination in season, \$100. For carrying letters, contrary to the provisions of the law, \$50. The compensation to any deputy postmaster not to exceed 20 per cent. on the postage, and in no one instance to exceed — dollars; 1,500, 2,000, and 2,500 dollars, were severally proposed to fill this blank; after some debate, 2,500 and 2,000 were put and negatived; 1,950 were then proposed: the debate on the motion was renewed, and continued till the time of adjournment, which took place without a decision.

TUESDAY, January 10.

A memorial of George Turner, one of the Judges in and over the Territory of the United States Northwest of the Ohio, was presented to the House and read, praying a revision of the ordinance for the government of the said Territory, and also an increase of compensation to the Judges thereof. Referred to Mr. LIVERMORE, Mr. LAURANCE, Mr. WHITE, Mr. WILLIAMSON, and Mr. SMITH, of South Carolina; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

On a motion made and seconded,

"That the Secretary of War be instructed to lay before this House an accurate statement of all ascertained balances of pay, which appear by the books of the United States to be due to the officers and soldiers of the late Army of the United States, and which still remain either unclaimed, or claimed and unpaid, together with the reasons for withholding payment from those who may have respectively entered claims therefor;"

Ordered, That the said motion be referred to Mr. WADSWORTH, Mr. GILES, and Mr. SMITH, of New Hampshire; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to fill up the remaining blanks in the bill to establish the Post Office and Post Roads of the United States; which was then read a third time and passed.

PETITION OF CATHARINE GREENE.

The House resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the petition of Catharine Greene, relict of the late General Greene.

The object of the petition is to obtain an indemnification from the United States against certain engagements which were entered into by her husband, the deceased Major General Nathaniel Greene, while commanding officer in the Southern Department; and for the circumstances on which it is founded, refers to a representation of the 22d August, 1785, which was then made by the said General Greene to Congress.

The petition is accompanied by a number of vouchers, arranged in alphabetical order by the Secretary of the Treasury in his Report; from all which he draws the following conclusion:

"That strong and extraordinary motives of national gratitude for the very signal and important services ren-

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dured by General Greene to his country, must serve to give a keener sting to the regret, which ought ever to attend the necessity of a strict adherence to claims of public policy, in opposition to claims founded on useful acts of zeal for the public service, if no means of protecting from indigence and penury the family of that most meritorious officer shall, upon examination, be found admissible."

Mr. WAYNE rose and gave his reasons for supporting the petition, as follows:

Mr. Chairman: It may not be improper to mention the motives that impel me to wish a fortunate issue to the *claim* now under consideration of this Committee, which I must also offer as an apology for the part I have taken, or that I may eventually take, in support of the claim. From my first interview with General Greene until the moment of his dissolution, we always lived in the strictest habits of friendship and confidence. He was an officer with whom I had participated in almost every vicissitude of fortune, (in many a well-tryed field,) from the frozen waters of the North to the burning sands of the South. He was a man whose virtues and talents I knew and revered; his noble soul would have revolted at the idea of imposition. He never would have offered in a *claim* to Congress, but upon the purest principles of honor and justice. I was a witness to the pressing necessity that *compelled* him to become the surety, for which indemnity is now claimed. He did what I would have done, (as second in command,) had he been absent at that trying crisis. The claim I *know* to be just, and I am decidedly of opinion that he was drawn into that security from the situation in which he was placed by Congress, as Commander-in-Chief of the Southern Department. Under these impressions, I beg leave to submit to the consideration of this Committee the resolutions now in my hand, and doubt not of their concurrent support.

"Resolved, as the opinion of this Committee, That the estate of the late Major General Nathaniel Greene ought to be indemnified for and on account of the engagements entered into by that General with certain persons in the State of South Carolina, for the purpose of obtaining supplies for the American Army, in the year 1783, and that ——— be granted to the Executors of the estate of the late Major General Nathaniel Greene, for that purpose.

"Resolved, That a committee be appointed to bring in a bill in conformity to the foregoing resolution."

Mr. BOUNDINOR said, there was no greater friend to the memory of General Greene than he was, nor any person more anxious to have justice done to his widow and family; but he was apprehensive that the resolution proposed by the worthy gentleman who had first brought forward this subject was not drawn up in such a manner as to insure it a passage through both Houses of Congress. He wished, therefore, that it should be so expressed as to prevent any tedious discussion, and at the same time do ample justice. The Report of the Secretary of the Treasury puts the subject on the best footing. The motives which led him to make the contract were, first, the public good; and perhaps, secondly, to serve his friend,

Mr. Burnett, because he was his Aid-de-Camp, and he wished to put him in the way of being established in business after the war; but Mr. Burnett was never in any other way connected with General Greene than as a young man brought up in the family, whom he wished to patronize.

After a few other observations, Mr. BOUNDINOR moved to strike out the preamble of the resolution proposed by Mr. WAYNE, and to adopt words nearly in substance as follows:

"Resolved, That it is becoming the dignity of Congress to make compensation for the widow and orphans of the late Major General Greene, who so gloriously served his country; and that they be indemnified for the loss which his estate is likely to sustain by his having entered into certain bonds for supplying the Southern army with rations and clothing, at a time when they were threatening to disperse."

Mr. FINDLEY observed, that on the question as it is now stated, the Committee have a choice of three alternatives; the claim may be rejected, a pension or gratuity may be granted to the amount, or the claim of the petition may be granted as a matter of right, upon the footing of its own merits by a special law, as all authorized claims which Congress grant are given. Claims for which the standing laws are competent, do not come before us. I am in favor of the last alternative. I am against rejecting the petition; because, as the facts are stated in the Report of the Secretary of the Treasury, General Greene putting himself in this situation of risk was from the most public-spirited motive: it was to support the public interest at a most important crisis, when the well-being, if not the existence of the Southern army was at stake, as well as the security of the inhabitants. If a Commander-in-Chief of an army may be ruined in his private affairs by making an unauthorized exertion to save his army or his country, the precedent may be dangerous; it may teach Commanders lessons of prudence, which may have ruinous effects. It is true, the necessity of the case must be such as will justify the unauthorized measure: from the Report, this appears to have been the case in the subject of the present debate. From the whole state of the facts before us, General Greene appears not to have had his own interest in view in this transaction, if the proof of this only lay between Banks and him. The established character of General Greene, not only as an officer, but as a man of integrity and public spirit, certainly cannot sink when laid in the balance with the secret insinuation of an unprincipled speculator. Such has been my own opinion of General Greene's character, that I would certainly require other proofs than this before I would even indulge suspicions: but it does not rest upon this. We have Banks's own testimony to the contrary, and his partner, and we know it would have been the interest of Banks & Co. to have made the contrary appear: nay, we have such a cloud of witnesses, all concurring to the same point, as appears sufficient to remove doubts from the most scrupulous mind. Unauthorized accounts are admitted in settlements between the United States and the individual States, upon the principles of

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equity. I consider this as a case of the same nature, and will vote for it agreeably to this precedent. I consider granting the prayer of the petition in this manner, as an act of justice, not only to his estate, but to the memory of his character. But I object to granting the relief in the indirect way of a pension; it is not so safe to the public, nor so honorable to the heirs of General Greene. To the public it is highly dangerous as a precedent; it will operate as an opening wedge to other claims without limitation. Few indeed can have an unauthorized though just claim as Commanders-in-Chief of an army reduced to such a dilemma as originated the present question: but merit and distress are not confined to Commanders alone; they are to be found in every rank of citizens. The struggles during the late Revolution produced abundance of merit: we cannot look around in this House, nor in any large collection of citizens, but our eye meets with those who have claims of merit. We can scarcely be acquainted in any neighborhood, but we must be acquainted with such as have been reduced to distress by their meritorious exertions, either in the camp, in the cabinet, or by granting supplies. How many who have aided the public with their substance, have been obliged to part with the evidences of their meritorious claims for a temporary relief. Many of the aged, many widows and orphans, to my knowledge, labor in penury, and mourn in secret, on the account of such meritorious aids not being recompensed when they ought to have been; though this was owing to the public misfortune, yet the merit and sufferings were not the less. I am very sensible of the great merit of General Greene; it is so well known, and so generally acknowledged, on all hands, as to render it improper for me to enlarge thereon. But, superior as his merit was, if we grant a pension or relief not founded on a just claim, merit of a lower order must be also admitted: there is no distinguishing the shades. I have heard of claims on the footing of merit brought before Congress, supported by such arguments as would induce a stranger to think that nearly all the merit of accomplishing the Revolution was centered in the claimant. If merit is to be rewarded by pensions, we shall soon have claimants in abundance. In the exercise of supreme command, difficulties often arise which render exertions necessary for which general rules cannot be provided; these have been generally treated as objects of indemnification. Many claims are now before Congress; they are various in their nature, and no doubt a number of them will be admitted: but from every view I have taken of the claim before us, I think the present as strongly addresses our justice and sympathy as any of them.

Mr. WAYNE thought it necessary to make some observations upon what had fallen from the gentleman on his right, [Mr. BOUDINOT.] In order to place this subject in a proper point of view, he begged leave to mention certain circumstances previous to the evacuation of Charleston. Some of the first characters in South Carolina obtained a flag from General Greene, to meet a deputation of merchants and others under a flag from the

British lines. Those merchants were anxious to remain after the army, for the purpose of disposing of their stock in trade, and wished for a reasonable time to transact that business; this indulgence was readily granted, for it was thought an object of consequence to retain supplies for the use of the country as well as for the army: and they were permitted to continue in the place for the space of *twelve months* after the abandonment should take effect. Assurances were also given them for the inviolable protection of their persons and property for that period. Thus sanctioned, they were probably induced to speculate upon such stores as the British army could spare, (for that army was redundantly supplied,) whilst the Americans were experiencing almost every possible distress for want of the common necessaries of life. About this time, hopes were entertained of the speedy appearance of a superior marine force from the French West Indies, to that of the British; and the operating army under my command was advanced to the quarter-house, in a position to prevent the enemy from embarking with impunity, and to protect the town and its inhabitants from depredation and insult. This manœuvre had the desired effect: it created a jealousy in the British General for the safety of his rear, and General Leslie was, in a manner, compelled to come into a Convention, more resembling a *capitulation* than an *abandonment*, for he was under the necessity to "agree not to commit any insult upon the inhabitants, or depredation on their property, or damage to the city, at or *after* his embarkation." The word *after* caused some demur; but it was insisted upon and complied with, in consequence of the orders I had previously received from General Greene; a measure which at once afforded security to the inhabitants, and a flattering prospect of full supplies, as well for the citizens as for the army.

The gentleman [Mr. BOUDINOT] says—How are we to distinguish between the articles and necessaries that were actually made use of by the army, and of the other goods purchased of the British merchants? This may be fully answered and explained by mentioning this fact: that those merchants took advantage of their situation, and would not dispose of any article suitable for the army unless *their whole stock were purchased together*; having but twelve months to dispose of their goods and collect their debts. Nor could the necessary articles be obtained at the point of the bayonet, as the merchants were protected by a compact made under the sanction of a flag. Nor would they trust the contractor *Banks* with their property, unless General Greene became his security; by which act, in their opinion, the *United States* would be bound in honor to fulfil a contract made by their Commanding Officer; nor did General Greene come into the measure until compelled by dire necessity, to prevent a mutiny and dissolution of the army. And such was the exhausted situation of the country in the vicinity of Charleston, that the Executive and the Legislature found it expedient to send a distance into the country to obtain supplies for themselves and the refugee

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families who were returning to the city after the evacuation: in fact, we were under the necessity of taking part of these very provisions, to prevent an instantaneous revolt.

But the gentleman [Mr. Boudinot] says that General Greene's private friendship for Major Burnett, who had been his Aid-de-Camp, was a peculiar inducement for his entering into that security, and that Major Burnett had mortgaged an island to General Greene as a collateral security. This, indeed, was an act of private friendship; but it was a subsequent transaction, and no ways connected with the former, nor is it amongst the charges. This was a private purchase by Major Burnett from Mr. John M'Queen, a gentleman well known in South Carolina; and it was thought to be a very advantageous purchase for Major Burnett at the time it was made, (although it has turned out otherwise,) but it was necessary for him to obtain security, previous to receiving *titles*. He applied to General Greene to become his security upon that occasion, which was complied with; and in that act he certainly displayed a superior degree of private friendship, and such as has already been found extremely injurious to his family; but it is by no means connected with the claim now under consideration.

The danger of establishing a precedent in future, unsupported by previous authority obtained from Congress, is also mentioned as an objection. Mr. Chairman, there never can be any danger of drawing this circumstance into precedent; for the page of History never did before, nor I believe ever will again, produce a similar precedent, *i. e.* an army facing and surmounting every difficulty and danger through a long and bloody contest, badly clothed and worse paid, and frequently destitute of the common necessaries of life. Sir, it is for the honor of General Greene that we contend; and I am warranted in asserting, that he was not interested in the contract of Mr. Banks, otherwise than from the pure and virtuous motives of serving and saving his country. I therefore feel myself interested, and bound in honor to support and defend the character of my departed friend, and to demand this claim as a matter of *right*, and not of *grace*; and I have a confidence that the candor and justice of this Committee will induce them to adopt the principles of the resolutions submitted to their consideration.

Mr. SUMPTER:—With respect to the resolution as it now stands, I feel myself obliged to oppose it. Nothing that has fallen from the gentleman over the way [Mr. WAYNE] has convinced me that the measure is proper or just. It is necessary to be cautious in the manner of discussing a matter of so much delicacy. I rise, not to make any pointed objections that can in any degree injure the reputation of the officer, whose abilities I respect, or to hurt the feelings of his family or connexions. I suppose that no gentleman will decide in favor of the resolution without examining the merits of the case. The Committee will have that information which they shall deem to be requisite on the occasion. I am sorry to differ in opinion with the gentleman from Georgia, and

am therefore disposed to make sacrifices of my own feelings of past injuries, and will not suffer them to warp my judgment, but will endeavor to decide in conformity with the opinions of the people of the State of South Carolina, and in particular of the district which I have the honor to represent. In going into the investigation of this matter, I will give my reasons why I do not think the country, although in extreme distress, was in that deplorable situation which has been represented; neither was its credit reduced so low but that relief might have been obtained, and that so small an army might have been accommodated, had a proper application been made in time to the Government. The gentleman must therefore be mistaken in stating those circumstances; for if the proper documents be examined, it will appear that the army received very ample supplies from the same source, some months previous to the contract made by Mr. Banks, which must have been in November, or early in December, and previous to the evacuation of Charleston. Whether it was better to adopt the means used by General Greene, or those within the power of the Government, I shall not pretend to determine; but I have no doubt that the Government possessed both the means and the inclination to find supplies. The contract was first made by Banks in November or December, and General Greene did not become the guarantee until the April following: whether there were any reasons for preferring this mode to that of an application to Government, will perhaps appear in the course of the investigation.

Mr. Chairman, this contract has been considered to have operated rather as a misfortune, although it may have afforded a temporary relief; it was the occasion of much complaint, vexation, and distrust, rather than of conciliation: and that this discontent ran through the army is within the knowledge of several officers whose names could be mentioned. It is therefore necessary to bring the matter into the full view of the Committee, and to have recourse to the files of the public offices, before we agree to the resolution on the table. At the same time, it is my sincere wish to render justice to the family of the deceased in every reasonable accommodation; but it does not appear to me that the family is reduced to that disagreeable situation which has been represented. The large grants that have been made by the States of Georgia, North and South Carolina, are still in the possession of the heirs of the deceased, and I have been informed that a gentleman offered \$30,000 for that granted by North Carolina, so late as last summer; neither have I heard that any distress has been levied upon any of these estates, or that they are so much affected, in reality, but that the claims made against them are rather of a nominal and visionary nature. But, admitting that General Greene was security for the United States, and that the operation had been beneficial, (which I deny); does it appear that executions have been levied to any considerable amount, or to such an extent as to justify the present application? To me it does not appear this has been the case, neither do I believe that

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the estate has been reduced in the manner represented; and, whilst I say it, I honestly and sincerely hope it: under which impression, I can never accede to the resolution on the table.

Mr. WADSWORTH: The gentleman last up has said many things to me utterly unintelligible, and others which directly militate with what has been said by the gentleman from Georgia. He has, however, declared that no real or supposed personal injury shall influence him in giving his opinion or vote. I hope, sir, he will not now feel or resent those real or supposed injuries. I do believe they are not real; and from my long and intimate acquaintance with General Greene, I had good opportunity to know him: a better man I never did know. That he had enemies is not to be wondered at: the nature of his command to the Southward was important, critical, and difficult, and he might be constrained to do things that necessity only would justify. If he has injured any man, he has atoned for it: neither the tongue nor pen of malice have been able to affix a stigma on his character. If I ever knew a man whose heart was pure and without guile, it was General Greene. Yet he had enemies: no man deserved them so little. More honest fame is due to no man. And if his fortune is to be sacrificed, and his family beggared, it is a consolation that his good name will last forever. Being one of his executors, I know something of his affairs; but it was with reluctance I rose, as my attachments to him and concern for his family render it extremely difficult for me to enter on the subject. The gentleman from South Carolina has told us he is acquainted with the affairs of the estates in the Carolinas, and has said they are without any executions against them, the bonds on good credit, and the family in no danger of poverty, &c. I can hardly allow, sir, that he is acquainted with the affairs of General Greene, even in South Carolina and Georgia; but if he is, I will ask him if he does not know that all the negroes from the South Carolina estate are sold, and that the land is totally unproductive? that Mr. Rutledge has prevented executions from taking the Georgia estate by his personal interference? that all the estates in Rhode Island and New Jersey are sold? and that the hope of the justice we now ask for has delayed the sale of all the rest, to satisfy his creditors—his Southern creditors?

The proofs and documents alluded to by the gentleman [Mr. SUMPTER] have been before Congress for several years, and the friends and executors of General Greene have challenged his enemies, in every part of the Union, to disprove them; and I hope no delay will now take place. The subject is fully before Congress. I hope justice will be done to the widow and orphans of the late General Greene, and that the investigation will now be finished; his honest fame vindicated and established, and his family saved from the ruin that awaits them.

Mr. HARTLEY, in support of Mr. WAYNE'S motion, observed, that he had paid some attention to the report and the documents referred to in it, as well as the objections made to the resolutions un-

der consideration. Many of the objections, said he, have been answered by gentlemen who were nearer to the scene of action than myself; I shall strive to obviate others. The mode of conducting our affairs in South Carolina does not seem to have been agreeable to the gentleman opposite to me from that State, [Mr. SUMPTER,] and he expresses his high disapprobation of many parts of it. When I disagree with that gentleman, I do it with great reluctance; for no one on this floor has a greater respect for him than myself. In a hazardous and difficult situation, or in carrying on war, or even in great political questions, the best friends may differ in the mode of conducting them; and it has too frequently happened, that such difference has tended to lessen the friendship which formerly existed. Upon the whole, our arms to the Southward were crowned with success: we must presume the means generally used were right. If supplies could have been furnished by the State of South Carolina, it is a pity they were not granted. I say, it is possible General Greene might have pursued a different mode to obtain clothing and provisions. He did not. He was of opinion no other plans could have been successfully followed but those which were adopted. The idea of his being a partner with Banks and Co. seems to be given up by the opposition. The mere insinuation of Mr. Banks and some others can have no influence against such a cloud of evidence and documents. These are so strong for the General, that they would work conviction on the greatest infidel. I shall barely advert to a part of them, as mentioned in the report, and on this head give a few observations of my own. And, first, the application to the Legislature of South Carolina, in order to create a competition: Had he been concerned as a partner, or intended to be so, no competition through that channel would have been proposed. If he was to be a partner, the more secret the transaction, the higher the advantage. The bond of indemnity to General Greene, oaths of Banks and Hunter, certificate from Major Forsyth, Nathaniel Pendleton's oath, Charles C. Pinckney's oath, (now Governor of South Carolina) and the certificates of the two Chancellors of South Carolina, who were both high in the Executive, when these transactions should have happened. Beside, sir, if we consider how many partners there were concerned with Banks in the different transactions, had General Greene been one of the company, it must long since have been manifested to the world. The secret could not have been kept; nor can we possibly think that General Greene who was undoubtedly a man of understanding, would have expressed himself in the manner he has done, in the close of his letter from Newport, dated the 24th of August, 1785, had he been a partner. He says there, "Thus have I given your Excellence a short narration of the origin and situation of this matter, and have only to add on this subject, that I never held any commercial connexion with the company, other than what concerned the public, either directly or indirectly, or ever received one farthing profit or emolument, or the promise of any one from them; and my bond of indemnity

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expressly declares that I have no interest, connexion, or concern, in the debts for which I became bound, all which I am willing to verify on oath." Would he have pledged his honor, his reputation, had he been interested? No, it is impossible! He would have been silent had he been a culprit, and not have challenged the world, as the power of detection would have laid with so many, and the shaft of envy always ready. I hope every man must be satisfied that the General was no partner.

The great points of contest before the committee seem now to be—

1st. Did the General enter into these engagements out of personal regard to individuals, without a view to the public interest?

2dly. Was not the good of the public his principal object?

3dly. Under all circumstances, should not his estate be indemnified?

As to the first, I cannot think that the General, out of mere personal regard to individuals, without a view to the public good, would have been bail. He had been esteemed a man of prudence, and was not a person of large fortune. How would he embarrass his family and property in such engagements? Who, under mere motives of of friendship, would have done so? The sum was too large; he had no interest. He got no goods or money for himself. He might have had a favorable opinion of some of the company, but his responsibility was become necessary with a view to the public good.

As to the second, public good must have been his principal object. The contracts before made would not have been carried into execution, without the aid of the contract, for which the indemnity was made in April, 1783. A great many articles were absolutely necessary to the army; they were connected with others; the necessaries could not at that critical period, or for the moment, be obtained elsewhere. The merchants, as I understand, insisted upon two conditions before they would deliver the goods: 1st, that all the goods should go together: 2d, that the commanding officer should become security. There was a necessity for an additional capital to furnish the means for supporting the army; and as most of the goods were useful and necessary, the residue might be disposed of to the best advantage, and the money arising from them be applied to the payment of the debt. Public necessity and the state of things would oblige the General to agree to the first condition. The compliance with the second condition became a necessary consequence. The General's letter from Newport, and General Wayne's oath, Nathaniel Pendleton's oath, and other evidence, prove the situation of the army. As to the third point, should not his estate be indemnified? Through his zeal for the public good, he has unfortunately involved his estate in difficulty, whatever the conduct of the company might be. The creditors were not to be affected either by the fraud or failure of Banks and the purchasers. General Greene was liable. The General, when he hears of misconduct, does all he can to save and indemnify himself, and through him the

United States. Securities were taken in as ample a manner as they could be obtained from the delinquents; and General Greene never wished to call upon the public, until every other means failed. So late as the year 1785 he had still hopes there would be no loss; but when he found the danger, a sense of duty obliged him to come forward to save himself and family, to ask the protection of the public to indemnify him from a debt that he had contracted to save an army from mutiny and disbanding; to protect a country which otherwise would have been exposed. Many exertions had he to make to feed the hungry and cover the naked; were not these for the public good, and shall his private property suffer? Shall his family be reduced to beggary, be stripped of their all, to discharge what the United States are in honor and in justice bound to pay?

Retrospective laws, to affect rights attacked, ought never to pass; but laws have frequently been enacted to indemnify persons for a conduct, though not strictly legal, but founded on the special circumstances of the case—the safety or honor of a nation or army, where the constitutional authority could not come forward in time. Such was the treaty or system formed by the Duke of Marlborough and the great De Witt. The Dutch, instead of punishing their minister, approved the measure; it eventually tended to the safety and honor of the allies. The individual who undertakes risks for his country's good, a magnanimous Government will always sanctify. We should consider the case upon substantial principles, not according to the letter, not act as the Lacedaemonians did to one of their leaders; they fined him for the infringement of the letter of the law, yet for the same act rewarded the hero with a garland. The fine here ruins the General's estate, and the garland alone, I fear, in this country, will not give his children bread or a becoming education.

In our late contest, the common maxims of old nations could not always be adhered to. We were obliged to act according to emergencies. In the case of General Greene, he seems to have intended for the best. He helped to serve and save a country. His merit stands high indeed. I need not repeat the number of his great and glorious actions, which mark him the General and the hero. His name will be handed down with honor to succeeding ages.

Under all circumstances, I think his estate should be indemnified. If the committee do not like the whole of the resolution, let there be a division, as proposed by one of the gentlemen from South Carolina; though I should think we might safely vote for the whole of the resolution, and let the bill make any other provisions which it may be thought necessary.

Mr. LEE, Mr. BARNWELL, Mr. WAYNE, and Mr. BOURNE, R. I., spoke in favor of agreeing to the resolutions, and Mr. MAOON and Mr. STURGES, against the motion. Mr. SUMPTER closed the debate in sundry remarks on extracts from letters wrote by General Greene during the late war, inserted in Gordon's History of the American Revolution, which extracts contain unfavorable reflec-

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tions on the militia of South Carolina, and the patriotism of the inhabitants of that State. These reflections, Mr. SUMPTER said, were gross calumnies on, and misrepresentations of the character of that people, which he said were invalidated by facts that at that time took place, and by the general tenor of the conduct of South Carolina throughout the whole course of the war.

—
WEDNESDAY, January 11.

A Message from the President of the United States was delivered by Mr. Secretary Lear, together with two Reports from the Secretary of the Department of War, respecting the situation of affairs in the Western country; which being confidential, the gallery was cleared.

—
THURSDAY, January 12.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," with several amendments: the Senate have also passed a bill entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein;" to which bills they desire the concurrence of this House.

—
FRIDAY, January 13.

The bill sent from the Senate entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," was read twice and committed.

A message from the Senate informed the House that they have passed a bill "for establishing a Mint and regulating the coins of the United States;" to which they desire the concurrence of this House.

The bill was twice read and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act to extend the time limited for settling the accounts of the United States with the individual States;" and the same being twice read, were agreed to.

The House proceeded to consider the report of the committee to whom was referred the memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians, together with the Report of the Secretary of War thereon. Whereupon,

Resolved, That a committee be appointed to prepare and bring in a bill or bills granting to the said Commissioners ——— dollars, on account of their extra expenses going to and returning from the treaty; and that Mr. TUCKER, Mr. GILES, and Mr. SMITH, of New Hampshire, be the said committee.

The House resolved itself into a Committee of

the Whole on the bill to ascertain and regulate the claims to half-pay, and to invalid pensions, and, after some time spent therein, the Committee reported that they had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

—
MONDAY, January 16.

This day was principally taken up with the President's late Message.

—
TUESDAY, January 17.

Mr. TUCKER, from the committee appointed, presented a bill to reimburse certain extra expenses of the late Commissioners for treating of peace with the Creek Indians; which was received, and read the first time.

A representation and petition of Christopher Marshall, jr. and Charles Marshall, was presented to the House and read, praying the encouragement and patronage of the General Government in a chemical laboratory which they have erected for preparing sal-ammonia, Glauber's salts, and volatile spirits.

Ordered, That the said representation and petition do lie on the table.

—
WEDNESDAY, January 18.

A bill to reimburse certain extra expenses of the late Commissioners for treating of peace with the Creek Indians, was read the second time, and ordered to be committed to a Committee of the Whole House.

Mr. LAURANCE, from the committee to whom was referred the Message from the President of the United States, of the twenty-eighth ultimo, covering a copy of a letter to him from the Attorney General, made a report; which was read, and ordered to lie on the table.

Ordered, That the Comptroller of the Treasury be directed to lay before this House a copy of the account for extra expenses incurred by the late Commissioners for treating of peace with the Creek Indians.

A Message was received from the President of the United States, together with the copy of an Act of the Legislature of the State of Vermont, ratifying in behalf of that State, *all* the articles of amendment, proposed to the Constitution of the United States.

The House resolved itself into a Committee of the Whole, on the communications from the President, respecting the Western frontiers; whereupon the doors were closed.

—
THURSDAY, January 19.

Ordered, That a committee be appointed to consider and report whether any, and what, alterations ought to be made in the acts for establishing the Treasury and War Departments, and that Mr. SMITH, of South Carolina, Mr. WADSWORTH, and Mr. BENSON, be the said Committee.

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Ordered, That the Secretary of the Treasury be directed to lay before this House such information, with respect to the Finances of the United States, as will enable the Legislature to judge whether any additional revenue will be necessary, in consequence of the proposed increase of the Military Establishment.

The House again took up the report of the Committee of the Whole, on the Message from the President of the United States, relative to the situation of the Western frontiers; on which the doors were closed.

FRIDAY, January 20.

A petition of Zedekiah Morgan, praying the settlement of an account against the United States, for services rendered and supplies furnished, in the Quartermaster's Department, during the late war. Referred to the Secretary of the Treasury, with instructions to examine the same, and report his opinion thereupon to the House.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury, on the petition of Catharine Greene, relict of the late Major General Greene; and, after some time spent therein, the Committee rose, reported progress, and obtained leave to sit again.

MONDAY, January 23.

The Speaker laid before the House a Letter from the Comptroller of the Treasury, covering an account of extra expenses incurred by the late Commissioners for treating of peace with the Creek Indians, pursuant to an order of this House on the 18th instant; which was read, and ordered to lie on the table.

The Speaker laid before the House a Letter from the Secretary of the Treasury, covering his Report, and sundry statements, respecting the finances of the United States, made pursuant to an order of this House on Thursday last; which were read, and ordered to lie on the table. *Ordered*, That the Report of the Secretary of the Treasury, on the subject of Manufactures, be committed to a Committee of the Whole House on Monday next.

DUTIES OF ATTORNEY GENERAL.

The House proceeded to consider the report of the committee to whom was referred the Message from the President of the United States of the 28th ultimo, covering the copy of a Letter to him from the Attorney General: Whereupon,

Resolved, That it would be proper to make it the duty of the attorneys in the several districts to pursue the instructions which, from time to time, shall be given them, respectively, by the Attorney General of the United States, in all matters touching their respective offices, and to correspond with him on any matter relative to judicial business, which shall arise within their respective districts, and upon which he shall request information from them. And that it would be proper to make it the duty of the Attorney General to give his

advice to the attorneys of the several districts, upon any matter relative to judicial business, which shall arise within their respective districts; and upon which they shall request such advice, or he shall think it proper for him to interfere: and to make it lawful for the Attorney General in any suit, in which the United States shall be a party, or shall be interested, and in any Court whatsoever, to advocate the United States, although such suit shall not have been originally instituted by him, or under his direction; and that, for the purpose of assisting him in the execution, as well of the duties herein assigned him, as of those heretofore assigned him by law, he may appoint a clerk, who, for his services, shall be allowed at the rate of _____ dollars by the year.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that the said committee do prepare and bring in the same.

PETITION OF CATHARINE GREENE.

The order of the day being called for, on the report of the Secretary of the Treasury on the petition of Catharine Greene, several members objected to taking up this subject, being of a private nature, while matters of the greatest public importance demand the immediate attention of Congress. The question being taken, the motion for going into Committee of the Whole was carried, 21 to 16; and Mr. LIVERMORE took the Chair.

After considerable debate, the question was put for agreeing to the first resolution, in the following words:

Resolved, as the opinion of this Committee, That the estate of the late Major General Greene ought to be indemnified for the engagements entered into by that General, with certain persons in the State of South Carolina, for the purpose of obtaining supplies for the Army of the United States, under his command, in the year 1783.

Which was negatived, 28 to 25.

The Committee then rose, and the Chairman reported that the Committee of the Whole House had had under consideration a report of the Secretary of the Treasury on the petition of Catharine Greene, and had come to no resolution thereon.

Mr. MACON then moved that the Committee of the Whole should be discharged from any further proceedings on the subject; which motion was agreed to.

Mr. BOURNE then laid on the table a resolution for referring the Secretary's Report, together with Mrs. Greene's petition, and the vouchers accompanying it, to a select committee, with instruction to inquire into the facts which rendered it necessary for General Greene to become security to Banks & Co., and the nature, circumstances, and amount of the original debt, and the obligation entered into by General Greene for payment thereof; with an account of the moneys or collateral security received by the obligees, or by General Greene in his life time, or his representatives since his death, in part thereof; and the eventual loss which his estate will sustain in consequence of the said securities; and after examin-

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ing all the circumstances and such further evidence as may be offered relative to the transaction, to report their opinion thereon to the House.

A Message was received from the President of the United States, transmitting certain documents received from the Legislature of the State of Virginia, respecting lands located by the officers and soldiers of the Virginia line, under the laws of that State, and since ceded to the Chickasaw Indians. Referred to the committee formerly appointed on the same subject.

TUESDAY, January 24.

Mr. LAURANCE, from the committee appointed, presented a bill concerning the office of the Attorney General of the United States; which was received and read twice, and committed.

APPORTIONMENT BILL.

The House resolved itself into a Committee of the Whole House on the proposition for apportioning Representatives among the several States, according to the first enumeration—Mr. MÜHLENBERG in the Chair—when the report of a select committee came up, as follows:

Resolved, That it is the opinion of this committee, that a bill ought to be prepared for apportioning Representatives among the several States, according to the first enumeration; and making provision for a second enumeration, and for an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797:—

To which the following amendment was proposed:

“And that no greater ratio be reported, than thirty thousand inhabitants for one Representative.”

Mr. GERRY observed, that as the ratio of thirty thousand had already received a sanction, the proposed amendment became necessary for the sake of consistency; that the select committee ought not to be left at liberty to bring in a bill according to their own principles, as it was uncertain whether they might not report a different ratio. If, however, gentlemen preferred a discussion of the question after the bill should be reported, he had no objection to having the amendment altered, so that the committee might leave the ratio blank.

Mr. BENSON had no objection to the additional proposition; and with respect to the provision for a second enumeration, he would also agree to that; not that he wished the measure to be at once adopted; but that if a second enumeration appeared necessary, the provision should be ready at hand, without the necessity of passing a new bill for the purpose.

Mr. LIVERMORE moved to strike out the clause respecting the ratio of one to thirty thousand; and observed, that as far as he could understand the idea of the gentleman from Massachusetts, [Mr. GERRY,] it was that, as the House had already, in the former bill, expressed their opinion in favor of the ratio of thirty thousand, and adhered to it, when disagreed to by the Senate, that was a reason why the principle should be established in the new bill which was contemplated. But, for his

own part, he, on the contrary, thought this alone was a sufficient reason why the House should not establish the principle; for, having already tried it, and not met with a concurrence on the part of the Senate, they need not go on the same ground again, unless the Senate were known to have altered their opinion.

Mr. GERRY replied, that the gentleman last up had misconceived his idea. He did not mean, that *because* the House had once adopted, and afterwards adhered to, the ratio of thirty thousand, *therefore* they should not reconsider the question. His meaning was, that the reconsideration should be made by themselves, and not by a select committee. He wished, therefore, that the committee should be restricted in that particular; and, after the bill should be reported, the House might then go into a discussion of the matter.

Mr. LIVERMORE could see no reason for pointing out the ratio of thirty thousand, unless the House meant particularly to fix upon it. If a decision of the question was intended, he thought it might as well take place beforehand; the decision of the House would be a leading principle to the committee, in drafting the bill, and it would afterwards require a majority to make any alteration. He hoped the question would be taken; and if gentlemen were determined to pursue the old track, the majority would, no doubt, carry it.

Mr. GILES observed, that as the committee would still be authorized to report the ratio blank, it would be unnecessary to discuss the question for the present; as this would not prevent an after discussion, when the bill should be brought forward. The words of the clause did not appear to him to establish any principle; and he hoped they would be retained.

Mr. WHITE thought the clause nugatory, as only forbidding the committee to do what they are already, by the Constitution, prevented from doing. He further observed, that it was not the Senate who had negatived the former bill, but the President of the Senate, who, as Chairman of that body, had decided the question by his casting vote. The Senate was not, at that time, full; and several of the Senators had since come in.

Mr. DAYTON suggested that it might, perhaps, be better to direct the committee to leave the ratio blank.

Mr. WHITE observed, that such a direction given to the committee, would be a dereliction of a principle already established by the House.

Mr. DAYTON denied that the House had established a principle.

Mr. WHITE replied, that the House had established the principle by their former adherence to the ratio of thirty thousand; he wished, therefore, that the committee should report either that ratio or a blank.

Mr. DAYTON asked whether the object in view was not to reconcile the varying opinions of the House and the Senate, by some reasonable compromise?

Mr. MADISON observed, that, as the final decision of the question must be made by a majority of the House, it was immaterial whether it was made

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the subject of present or of future discussion; but, since the House found so great difficulty in filling up the blank, he thought it improper that a select committee should have the power of doing it. Even if they did fill it up, their decision would not be conclusive, though it might tend to embarrass the House. He wished, therefore, either that the ratio should be previously fixed, or the committee directed to report it blank.

Mr. MURRAY did not consider the proposition in the light of a compromise; nor did he imagine that gentlemen would give up a principle, to which they were attached. A difference of opinion prevailed with respect to the apportionment, resulting from a calculation upon fractions; some gentlemen thinking that the ratio, once determined by the House, ought to be applied to the aggregate number of the inhabitants of the United States, whilst others (of which number he was one) were for applying it to the number of citizens in each State. He hoped that, in the instructions to the committee, either the one or the other principle would be established. Such a previous recognition on the part of the House would facilitate the business of the committee, and show them on what ground to proceed.

Mr. LIVERMORE observed, that if the clause was intended merely to enable the committee to leave the ratio blank, it would be indifferent to him whether it were struck out or not, as he only wished to have a fair opportunity of discussing the subject. But, in his opinion, the words of the clause were intended to establish the ratio of thirty thousand, the very thing which had caused the loss of the former bill. However, as the words were of such ambiguous meaning, as to be thus differently understood by different gentlemen, he hoped they would be struck out.

The question being taken on striking out the clause in question, passed in the negative; after which the committee, having agreed to the resolution and the amendment, rose, and reported the bill to the House.

Mr. DAYTON then moved to strike out the words, "and making provision for a second enumeration, and for an apportionment of Representatives thereon, to compose the House of Representatives, after the 3d day of March, 1797;" as he saw no necessity for burdening the people so soon with the expense of a second enumeration.

Mr. WILLIAMSON observed, that although some complaints were made of the fractional parts not being represented, he never could conceive that the framers of the Constitution entertained an idea of a representation of the people distinct from the States, but contemplated the representation of the people of each State, according to some given ratio. No ratio could be adopted that would not leave fractions; and those fractions would be greater in some States than in others. The State which he represented would suffer in that particular as much, perhaps, as any other State in the Union; but those States that will suffer the most in the first instance, will be the sooner relieved, as the fractional parts will probably then be in their favor, provided Congress proceed upon some gene-

ral rule. In order to remove all complaints of inequality on account of fractions, and to give those States which have large portions of people unrepresented, the same advantage hereafter that other States will now enjoy, he wished to see a second enumeration take place before the expiration of ten years.

Mr. GERRY remarked, that there would have been no dispute about fractions if the ratio had been first established, and provision afterwards made for carrying it into execution; but when it was once known how the principle would apply, and leave greater or less fractions, gentlemen then took the one or the other side of the question, and wished to vary the ratio, as would best suit particular States. This was the cause of that difference of opinion which prevailed in the House and in the Senate. The evil ought to be remedied if possible; and the only remedy he knew, was the proposition under consideration. The principle would be thus established at a time when its future operation cannot be foreseen; and the members from particular States cannot possibly know what number will result from the ratio they fix upon.

Mr. SMITH, of New Hampshire, observed, that if the representation was apportioned every ten years, with as great equality as circumstances would admit, this would be amply sufficient for the general security.

Mr. MADISON insisted on the propriety of providing beforehand for the census which is next to take place, in such manner, as to render it impossible for local calculations to intrude themselves. If the principle of equality was of one-tenth part of the importance that some gentlemen contended for, surely some precautions ought to be taken to guard against those inequalities that will every day take place, and will by far exceed those which have already agitated the House so much. If it be an evil that one State should have greater unrepresented fractions than another, it would be a much greater evil that any one State should be deprived of, perhaps, three or four members, to whom she has a right. Gentlemen seemed to think that the larger States would not suffer so much from those inequalities as the smaller ones; but he would ask, whether the people in every part of the United States were not to be considered as equal on the floor of Congress? Ten or twenty thousand citizens of New York, North Carolina, or Virginia, when considered in relation to that House, were of as much consequence as the same number in Rhode Island or Delaware; it is not to be considered whether such a surplus rises from ten Representatives, or from a single one.

He could see no objection to the measure but the expense attending it; but he did not think the expense ought to be put in competition with the advantages that would result from it. He thought, even, that there would be a considerable saving of expense in settling the matter beforehand, when much less time will be spent in debate. Had the question been determined at the last session, it would not have cost the community one-tenth part of what it has cost them.

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Mr. Boudinot said, there was a great difference between the surplus of a smaller State represented by a single member, and that of a larger one, whose representation is more numerous; as the wants, the wishes, and the intentions of the constituents, are better represented in the latter case than in the former. He wished the committee might be left at liberty to devise whatever means might seem most likely to unite both sides of the House; and wished to strike out all the latter part of the resolution, from the words "first enumeration."

Mr. DAYTON thought it by no means proper, that the present Congress should undertake to legislate, not only for their constituents, but also for their successors in the House, especially in a point which the future Congress will be more competent to decide upon.

Mr. LIVERMORE remarked, that if the ratio be applied to the people of particular States, it will be ever productive of inequality. Although a fractional number may remain as well in a large as in a small State; yet, it will not affect the larger so much as the smaller one. The ratio of thirty thousand gives Virginia twenty-one Representatives; and if there remained even a surplus of twenty-nine thousand, that State could not feel her interests very sensibly affected, and would have little reason to complain; whereas, that ratio operates more strongly against the States of Vermont, New Hampshire, New Jersey, and Delaware, whose Representatives are so much inferior in number. Delaware, for instance, having but one Representative and a fraction of above twenty-five thousand, would be represented in the ratio of only one to fifty-five thousand. This inequality might be remedied, unless gentlemen, because the scale was now turned in their favor, wished to take all possible advantage of it, and, as far as in their power, to give perpetuity to the law, and make the ratio apply to every future census for ever. But could gentlemen say there is now more wisdom in the House than ever can be collected into it at any future period? Gentlemen had asserted that one hundred and twenty Representatives will possess double that share of wisdom, which falls to the lot of sixty; and this very argument had been strongly urged for increasing the representation to the utmost extent allowed by the Constitution, because the House is then to possess twice or three times more wisdom than is now contained within its walls. Posterity, he hoped, might be trusted to pass laws that will affect their own time.

After some further remarks by Messrs GERRY, NILES, and BARNWELL,

A division of the question was called for; and the question being put, for striking out the words, "and making provision for a second enumeration, and for an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797:"

It passed in the negative—Yeas 22, Nays 36, as follows:

YEAS.—Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Andrew Gregg, Thomas Hartley, Daniel Heister, Israel Jacobs, Aaron

Kitchell, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Peter Sylvester, Thomas Tudor Tucker, and Artemas Ward.

NAYS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, John Brown, William Findley, Elbridge Gerry, William B. Giles, Benjamin Goodhue, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, John W. Kittera, John Laurance, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Upton Sheridine, John Steele, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

The question being then put, for striking out the words, "and that no greater ratio be reported than thirty thousand inhabitants for every representative:"

It was resolved in the affirmative—Yeas 32, Nays 26, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Macon, James Madison, Nathaniel Niles, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

NAYS.—John Baptist Ashe, Abraham Baldwin, Benjamin Bourne, John Brown, William Findley, Elbridge Gerry, William B. Giles, James Gordon, Samuel Griffin, Daniel Huger, John Laurance, Richard Bland Lee, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridine, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Abraham Venable, Anthony Wayne, Alexander White, and Hugh Williamson.

And then the main question being put, that the House do agree to the said resolution, amended to read as follows:

Resolved, That a bill be prepared for apportioning Representatives among the several States, according to the first enumeration, and making provision for a second enumeration, and for an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797: it was resolved in the affirmative.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. BENSON, Mr. MADISON, and Mr. GERRY, do prepare and bring in the same.

The House proceeded to consider the amendments reported by the Committee of the Whole House to the bill to ascertain and regulate the claims to half-pay and to invalid pensions, and made some progress therein; when the House adjourned.

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WEDNESDAY, January 25.

Resolved, That the President of the United States be requested to cause to be laid before this House copies of the official communications which have taken place between the Governor of the State of Pennsylvania and the Secretary of War, with respect to the raising of troops within, and under the direction of the said State.

The House resumed the consideration of the amendments reported by the Committee of the Whole House on Monday last, to the bill to ascertain and regulate the claims to half-pay and to invalid pensions; and the same being twice read, were agreed to; and the bill being further amended at the Clerk's table, was ordered to be engrossed, and read the third time to-morrow.

Mr. MADISON, from the committee appointed, presented a bill for making further and more effectual provision for the protection of the frontiers of the United States; which was received, read twice, and committed.

THURSDAY, January 26.

An engrossed bill to ascertain and regulate the claims to half-pay and to invalid pensions was read the third time and passed.

PROTECTION OF THE FRONTIERS.

The House resolved itself into a Committee of the Whole House on the bill for making further and more effectual provision for the Protection of the Frontiers of the United States.

A motion being made to strike out the second section of the bill, which contemplates the raising of three additional regiments of infantry and a squadron of light dragoons, amounting in all to three thousand and forty men, exclusive of commissioned officers—

It was urged in favor of the motion, that the Indian war, in which the United States are at present involved, was, in its origin, as unjustly undertaken as it has since been unwisely and unsuccessfully conducted; that depredations had been committed by the whites as well as by the Indians; and the whites were most probably the aggressors, as they frequently made encroachments on the Indian lands, whereas the Indians showed no inclination to obtain possession of our territory, or even to make temporary invasions until urged to it by a sense of their wrongs. A proof of this unencroaching disposition on their part plainly appeared in their conduct, after the victory they lately obtained over our troops; for, when flushed with success, they might have swept the country before them, and penetrated as far as Pittsburg, they contented themselves with the advantage they had gained over their invaders, and did not attempt to invade our territories in return, although there was nowhere at hand a sufficient force to check their career.

The mode of treating the Indians in general was reprobated as unwise and impolitic. The Indians are with difficulty to be reduced by the sword, but may easily be gained by justice and moderation; and, although their cruelties are alleged as reasons

for a different conduct, and the sufferings of the white people pathetically deplored, these narratives, it was said, are at best but *ex parte* evidence—we hear nothing of the sufferings of the Indians—but if Cornplanter's speech were read, it would set the matter in a very different point of view, and furnish a complete answer to all the charges of their accusers.

Peace, it was said, may be obtained from the Indian tribes at a much less expense than would be necessary for the support of the war. To persevere in hostilities would be wasting the public money to a very bad purpose indeed; for, supposing our arms crowned with victory, what are the advantages we may expect to reap from our success? We can only gain possession of their lands—a possession that must long continue unproductive of the smallest benefit, as we already possess land sufficient—more, in fact, than we will be able to cultivate for a century to come.

Instead of being ambitious to extend our boundaries, it would answer a much better national purpose to check the roving disposition of the frontier settlers, and prevent them from too suddenly extending themselves to the Western waters. If kept closer together, and more nearly connected with the old settlements, they would be more useful to the community at large, and would not so frequently involve us in unnecessary and expensive wars with the Indians; but if permitted to rove at pleasure, they will keep the nation embroiled in perpetual warfare as long as the Indians have a single acre of ground to rest upon.

If the citizens of the United States were recalled within their proper boundaries, there they might, for years to come, cultivate the soil in peace, neither invaded nor invading. As the country progresses in population, and our limits are found too narrow, it will then be soon enough to contemplate a gradual extension of our frontier; but, in the mean time, it is an idle profusion of blood and treasure to carry war beyond our present line of forts. It is only exposing our arms to disgrace, betraying our own weakness, and lessening the public confidence in the General Government, to send forth armies to be butchered in the forests, while we suffer the British to keep possession of the posts within our territory.

As long as Britain is suffered to retain these posts, we can never hope to succeed against the Indians; nor ought we to trace our late misfortune to any other source than her still holding them in her possession. Were they in our hands, the Indians could not carry on their operations against us with the same degree of vigor as they now do; for it is from those forts that they obtain their supplies of arms and ammunition, with which they can be at all times plentifully furnished, as long as things continue on their present footing.

Until those posts are in our possession, it will be in vain to send our armies into the wilderness. A body of five thousand men, sent out against the Indians, under the present circumstances, would be as effectually defeated as the smaller ones have already been. In those wilds, our troops have no friend at hand to furnish them with supplies, or to

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give them intelligence of the approach and operations of the enemy; whereas, the Indians, receiving both aid and information from their friendly neighbors, can pre-concert their plans, and choose, according to their own convenience, the place and the hour of attack, as they did before.

It was here observed, by an honorable gentleman on the other side of the question, that we ought undoubtedly to get possession of those posts; and that we might have long since obtained it, if we had only laid a reasonable embargo on all the British shipping in our ports; though he doubted whether it would at present be worth while to take such a step, as the English have lost so great a portion of our carrying trade, in consequence of the additional tonnage laid on their vessels.

In favor of the motion, it was further urged, that, supposing even the war to have been originally undertaken with justice on our side—supposing, also, that the national honor and interest called for a continuance of hostilities—yet, as it was by no means either necessary or prudent to invade the Indian territory, as this had been attempted in two successive campaigns, and the event had, in both instances, been such as to afford no very flattering prospect from a third expedition of the same kind, it was thought much more advisable to content ourselves with defending the frontier; and this might be done without making so great an augmentation in the military establishment.

The only use of regular troops on the frontier is to garrison the forts, and to have a standing force in the neighborhood to form a station, to which the militia may resort either for protection or supplies; but as to active service, the frontier militia and rangers were pronounced to be by far preferable to the regular troops, as being more expert woodsmen, and better habituated to the Indian mode of fighting. To defend the forts, a small number of regulars would be sufficient. The present establishment of two regiments would, if completed, be amply adequate to the purpose, and, when assisted by such forces as might at all times be collected on the frontier, would be able to repel every inroad of the enemy.

Experience has proved that the sudden and desultory attacks of the frontier militia and rangers are ever attended with better success than the methodical operations of a regular force. The former are better calculated for expedition and surprise, making unexpected sallies, scouring the country in small bodies, harassing the Indians, and intercepting their straggling parties, by whom their motions are unobserved; whereas, when a body of regulars take the field, encumbered with baggage and heavy artillery, the unavoidable slowness of their movements affords the enemy an opportunity of watching all their operations, collecting their whole force, and skulking in the woods around them till they can seize the favorable moment to strike a sudden blow, which they generally do with success, but which they could never attempt if exposed every hour to the unforeseen attacks of our woodsmen, who would keep their attention constantly engaged in all quarters, and thus prevent them from uniting in large bodies.

It was further observed by some gentlemen, who even admitted the propriety of invading the Indian territory, that, to effect this with success, it was by no means necessary to make such an increase in the military establishment as that contemplated in the bill. The miscarriage of the former expeditions could not (they said) be alleged as a sufficient reason; for it is well known that the former establishment was far from being complete. The regulars intended for the service of the last campaign were to have been above two thousand two hundred; the President was, besides, empowered to raise two thousand five hundred levies, in addition to the regulars; and these would, together, have constituted an army of about four thousand seven hundred men. Had such a body been employed, we might reasonably have expected much better success against the Indians, whose numbers were so far inferior; the whole force of the Wabash tribes not amounting to above eleven or twelve hundred warriors, who never could keep the field for any length of time, but must be soon obliged to disperse, without venturing an attack upon an army of such superior strength.

Instead of this, our army consisted of only about twelve hundred men, and of these not above four or five hundred were regular troops; besides, had even this force been sufficient, if employed in season, the delays that had taken place in the execution of the plan would alone have been sufficient to defeat the intended purpose. During the winter, the law was passed for raising the additional troops for carrying on the war with greater vigor. The whole summer was spent in the business, and the few men that we did enlist were not raised till late in the fall. Collected at length at the head of the Ohio, they fruitlessly loitered away their time, till they finally erected a monument to our eternal disgrace and infamy.

Whatever troops are to be employed, ought to be raised with diligence and despatch, if we wish to avoid a similar miscarriage in our next attempt. The army ought not to enter the Indian country till their whole force is complete. Difficulties, however, and delay, equal to those of last year, may be expected in enlisting the men; and we shall have the officers in pay a considerable time without any soldiers. Perhaps the former pay of the troops was too low, and proper effective men were unwilling to accept of it; if so, let it be raised, let the men be well clothed and fed, and they will more readily engage in the service. Probably, also, the term of three years was an objection with many, who would otherwise have joined our standard. If enlisted only for six months, the ranks will be sooner filled; and this ought to have considerable weight with those who advocate the augmentation of the military establishment, as they cannot but know that, if we set about enlisting the number of men contemplated in the bill, and in the manner there prescribed, they cannot be raised time enough to render any service in the next campaign.

The information contained in the report on the table was not, it was said, to be implicitly relied

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on. That report was made by a man who had not personally visited the frontier. Others, who had been on the spot, were of opinion that, if two thousand levies had been raised last year, they would have been sufficient, not only for the defence of the frontier, but even for any offensive operations that might have been thought necessary. Such troops, collected in the vicinity, are more competent to the undertaking than the troops now in contemplation. No complaint had been made of their conduct. Whenever they were tried, they behaved as well as the regulars, and, in the action under General St. Clair, they gave equal proofs of their valor.

It was further urged, that the frontier militia are not only equal, but infinitely superior to any regular troops whatever, for the defence of the borders, and that they are, in fact, the only force that can be effectually employed in expeditions against the hostile Indians, whose mode of fighting is familiar to them, and does not strike them with that degree of terror with which it inspires those men who enlist on the regular establishment. These latter being collected in the heart of populous cities, where the face of an Indian is seldom seen, hardly know whether the Indian and his horse are not the same animal. And when they approach the enemy, at the very first shout, even before he is in view, they are terrified at the idea of savage barbarity, which they have ever been taught to reflect on with horror, and, being incapable of resistance, they commit their safety to flight. To prove the superiority of the militia, gentlemen need only contrast the despatch and success of the expedition conducted by General Scott, with the delays, disgrace, and mortification, which attended that under General St. Clair, and consider the difference of the expense on those two occasions.

The expense of such an army as the bill contemplates is an object well worthy of serious consideration, especially at the present moment, when there is scarcely a dollar in the Treasury. Gentlemen would also do well to advert to the progress of this business, and consider where they were likely to stop, if they went on at the present rate. At first, only a single regiment had been raised, and the expense was about \$100,000; a second was afterwards added, which swelled the expense to about \$300,000; and now a standing force of 5,168 men is contemplated, at an annual expense of above a million and a quarter of dollars. Can this be justified in the present state of our finances, when it is well known that the Secretary of the Treasury, having been requested by the members from a particular State to build a light-house on a part of their coast, declined the undertaking, and alleged the want of funds as the reason?

Our resources, however, might be made to answer for the support of such a force as that which was intended for the service of the preceding year, and there would be little complaint or dissatisfaction among the people. Very few murmurings were heard against the former establishment; but such a one as is now contemplated will be thought

extravagant, will breed discontent among the citizens of the United States, and perhaps afford our neighbors in Canada an opportunity to take advantage of our divided situation, and involve us in a war more dangerous than the former which separated us from Great Britain.

Apprehensions, it is said, are entertained, that the object contemplated in raising these additional troops is not so much to punish and coerce the Indians, as to have a standing regular force equal to what the British have on this continent. This is said to amount to about six thousand men, including those in Canada. But it is to be remarked, that the British nation has not above *one thousand* men within the limits of the United States; and yet, with this handful of troops, they not only keep the Indians in awe, but even, in opposition to the wishes of the United States, retain possession of those posts which should have been ceded to us pursuant to the terms of the treaty. Why, then, is it necessary, for the purpose of establishing posts and garrisoning them, to increase the standing force to so large a number as that contemplated in the clause under consideration? During our late arduous struggle for liberty, when we had to cope with the most powerful nation under heaven, the Commander-in-Chief had never at any one time above ten thousand men under his own immediate command; and if, with so small a force, we were able to effect so glorious a Revolution, there can be no necessity of going such lengths at present, for the sake of establishing a military character. It is strange policy, indeed, to raise five or six thousand men to oppose a handful of Indian banditti, whose utmost amount does not, from the documents on the table, appear to exceed twelve hundred.

We are preparing to squander away money by millions; and no one, except those who are in the secrets of the Cabinet, knows for what reason the war has been thus carried on for three years. But what funds are to defray the increased expense of maintaining such a force as is now contemplated? The excise is both unpopular and unproductive. The impost duties have been raised as high as is consistent with prudence. To increase them, would be but to open a door for smuggling, and thus diminish their productiveness. And if those sources of revenue fail—if our finances be thus exhausted in unnecessary wars—we shall be unable to satisfy the public creditors, unless recourse be had to new taxes, the consequence of which may, with just reason, be deplored; whereas, if we but keep our expenses within bounds—if we nurse our finances—we shall be respectable among the nations of the earth, nor will any nation dare to insult us, or be able to do it with impunity.

During the course of these observations, an honorable gentleman asked, whether this was a day set apart for rhetorical flourishes, as the galleries were open, and he saw the short-hand writers stationed at their different posts?

At an early stage of the debate, an honorable gentleman had suggested, that, instead of passing a law for raising at all events the additional regiments, which, for his part, he did not think neces-

sary, the House, if they finally determined the present establishment to be insufficient, would perhaps do better to appropriate a certain sum of money, to enable the Executive to call in such additional aid as circumstances may require.

To this it was objected, that it is the duty of the Representatives of the People, in all appropriations of the public money, to make them for certain specific purposes. To act otherwise on the present occasion would be setting a precedent that might, in its consequences, prove highly injurious; for, although the greatest confidence may safely be reposed in the virtue and integrity of him who now fills the Presidential Chair, it is impossible to foresee what use may hereafter be made of the precedent by his successors, or how far it may be carried.

Against the motion for striking out, and in favor of the proposed augmentation of the military establishment, it was urged: That, as to the justice of the war carried on against the Indian tribes, that was a question which could not admit of a doubt in the mind of any man who would allow that self-preservation and indispensable necessity are sufficient causes to justify a nation in taking up arms. If the present war be not in every respect justifiable, then there never was, nor ever will be, a just war. It was originally undertaken, and since carried on, not for the sake of conquest, but to defend our fellow-citizens, our friends, our dearest connexions, who are daily exposed, in the frontier settlements, to all the rage of savage barbarity, to which they, with their wives and children, must soon fall victims, unless we speedily fly to their assistance; and, although there are some people who utterly deny the justice of any war whatever, this doctrine, however fine in theory, will hardly ever obtain in practice; for, is it to be imagined, that any set of men are of such a passive disposition as calmly to look on whilst their friends and relations are butchered before their eyes, and to refuse giving them every assistance in their power?

The murders and depredations which have for years past been repeatedly committed by the savages, loudly call for redress. From various documents of unquestionable authority, now in the hands of the Secretary of War, signed and attested by the Executive and Legislature of Kentucky, by the District Judge, and the Captains of the militia, it appears, that, from the year 1783 to 1790, there have been, of the inhabitants of that District, or of emigrants on their way thither, no less than fifteen hundred persons either massacred by the savages, or dragged into captivity, two thousand horses taken away, and other property plundered or destroyed to the amount of fifty thousand dollars. And there is good reason to suppose that on the other frontiers of Virginia and Pennsylvania the number of persons murdered or taken prisoners during the above mentioned period would furnish a list of one thousand or fifteen hundred more.

The white people, it is true, have sometimes committed depredations on the Indians; but the instances have been rare [the honorable gentle-

man who spoke did not recollect above one or two] of their making unjust attacks upon the savages; nor did they, on those occasions, commence hostilities against them till exasperated by the strongest provocations that could possibly stimulate the human heart. This circumstance may be justly allowed as some palliation of the offence. Even in these instances, however, a few individuals only were concerned; and, when the affair came to the knowledge of the State, ample reparation was made to the injured party. The General Government, too, had shown an equal disposition to do justice to the Indian tribes. Witness the affair of the Cherokees; for, as soon as Congress had heard their complaints of an encroachment made on them by some of the people from the frontier of the Carolinas, immediate orders were issued for obliging the intruders to evacuate the Indian territory.

But, notwithstanding the disposition that prevails, as well in the Legislatures of those States whose frontiers are most exposed, as in the General Government, to cultivate peace and amity with the neighboring Indians, that desirable object is become utterly unattainable in the present posture of affairs. The frontier Indians have killed a number of whites; the whites, in their turn, have made retaliation. Both parties are in the highest degree exasperated against each other, and likely to continue so, in spite of every endeavor that can be made to effect a reconciliation. With minds thus irritated, it is vain to hope for peace, as long as they continue in each other's neighborhood. It is therefore necessary to form a strong barrier, to keep them asunder, unless, indeed, the advocates for a cessation of hostilities would oblige the frontier settlers to abandon their lands. But by what new-invented rule of right should the inhabitants of Kentucky, and the other frontier settlers, be laid under a greater obligation than any other citizens of the United States to relinquish a property legally acquired by fair purchase? Were it even proposed to pacify the savages, by purchasing the lands anew, such a measure would answer no other purpose than that of procuring a temporary peace, which would soon again be interrupted by a war that would reproduce the necessity of again having recourse to the same expedient. We should have to purchase the lands again and again, without end. By thus squandering the public money, year after year, we should swell the national debt to an amount that we cannot possibly foresee. Better at once to make a vigorous effort, to act in a manner becoming the national dignity, and to maintain our ground by war, since we cannot obtain a durable or an honorable peace.

Attempts have, at various times, been made to effect treaties of peace with the Indian tribes with whom we are now at war; and, although these efforts have constantly proved ineffectual, they yet show that, neither the United States nor the State of Virginia were backward on their part to adopt conciliatory measures, and to do away that animosity which had commenced on the part of the savages at an early period of the late war with

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Great Britain, and had continued to break out at intervals ever since. In the years, 1783, '84, '85, '87, '88, and '90, offers of peace were made to them. On the last mentioned occasion, when a treaty was proposed at the Miami village, the Indians at first refused to treat. They next required thirty days to deliberate; and, in the interim, the inhabitants of Kentucky were expressly prohibited by the President of the United States from carrying on any offensive operations against them; yet, notwithstanding this forbearance on the part of the whites, no less than one hundred and twenty persons were killed or captured by the savages, and several prisoners roasted alive, during that short period, at the expiration of which, the Indians refused to give any answer at all.

On another occasion, the Indians, not content with rejecting our offers of peace, proceeded even so far as to insult us, by telling us we have lands within the British posts, and asking us why we did not go and take possession of them? Will it be said that we are unable to do it? Is this language to be used within the United States? No! We are able, abundantly able to do it, whenever we please; and if we would but retrench our expenses in some instances, which might well admit of a reduction, our ability would still increase; our finances are not quite so insufficient as some gentlemen seem to imagine, nor so easily deranged. We are still able to prove that the boasted efficiency of the General Government is something more than an empty name—we can yet raise both men and money sufficient to defend the nation from either injury or insult.

It is now too late to inquire whether the war was originally undertaken on the principles of justice or not. We are actually involved in it, and cannot recede, without exposing numbers of innocent persons to be butchered by the enemy; for, though we should determine to discontinue the war, can it be said that the savages will also agree to a cessation of hostilities? It is well known that they are averse to peace; and even the warmest advocate of pacific measures must therefore allow that the war is a war of necessity, and must be supported. We cannot, without impeachment both to our justice and our humanity, abandon our fellow-citizens on the frontier to the rage of their savage enemies. And although the excise may be somewhat unpopular, although money may still be wanted; what is the excise? what is money, when put in competition with the lives of our friends and brethren?

A sufficient force must be raised for their defence; and the only question now to be considered is, what that force shall be? Experience has proved, that the force employed in the last campaign was inadequate. It is true the establishment was not complete; but who will venture to assert that, if it had been complete, it would have been sufficient for the intended purpose? Are gentlemen who assert this so well acquainted with the circumstances of the enemy, as to be able to give an accurate statement of the amount of their forces on the frontier? There are stronger opinions in favor of an augmentation of the army than can

be adduced against it—opinions, given by men of judgment and experience, who have themselves been on the spot, and are well acquainted with the situation of affairs in that quarter. These gentlemen, who must be allowed to be competent judges, are decidedly of opinion that the present establishment, though completed to the last man, will not furnish an adequate force to carry on the war with effect; and that it will be a hopeless attempt to open another campaign, with a less than about five thousand regular troops, the number contemplated in the bill.

Nor ought that number to be deemed extravagant, under an idea that we have only a contemptible handful of banditti to contend with. Their numbers were, last year, from authentic documents, stated at about twelve hundred warriors, from twenty-three different tribes; such was the opposition then contemplated: but it is impossible to ascertain what accessions of strength they have since received, or even what force they had engaged in the late unfortunate action, as the very men who were in the engagement do not pretend to form any just or accurate estimate of the number of their assailants; but there is good reason to suppose that they had previously entered into an association with various tribes, that have not as yet come within our knowledge. The bows and arrows used against our troops on that occasion, afford a convincing proof that they had foes to encounter from distant nations, as yet unacquainted with the use of fire-arms. Nor does the account of the bows and arrows depend, for its authenticity, on newspaper evidence alone; gentlemen of unquestionable veracity, who were personally engaged in the action, have declared that they had themselves noticed the arrows flying.

When we consider the warlike disposition of the Indians in general, and the alacrity with which the victors are ever sure to be joined by numerous allies, we have every reason to expect a much more formidable opposition in the next campaign. It is well known that the savages place all their glory in deeds of war; and that, among them, a young man cannot make his appearance in company till he has signalized his valor by some martial achievement. When, to this powerful incentive, a new stimulus is added by the trophies obtained in the late action, it is presumable that numbers will crowd to their standard; and it strongly behoves us to prepare in time for a much more vigorous effort than any we have yet made against them.

The objections drawn from the increased expense, must entirely vanish from before the eyes of any man who looks forward to the consequences of one more unsuccessful campaign. Such a disaster would eventually involve the nation in much greater expense than that which is now made the ground of opposition. Better, therefore, at once to make a vigorous and effectual exertion to bring the matter to a final issue, than to continue gradually draining the Treasury, by dragging on the war, and renewing hostilities from year to year.

If we wish to bring the war to a speedy and a happy conclusion, and to secure a permanent peace

to the inhabitants on the frontier, we must employ such troops and adopt such measures as appear best calculated to insure success. If we delay our determination until the force of the enemy be ascertained, we can make no provision at all; for the nature and circumstances of the case preclude us from the very possibility of obtaining a knowledge of their strength and numbers. And are we, meanwhile, to remain inactive and irresolute, and make no efforts to repel their intended attacks? No! Whatever their numbers may be, prudence calls aloud for provision of some kind. And if experience is to have any weight with us, the example of the French and of the British points out the true mode of securing our frontier, and rendering it invulnerable to an Indian foe. Let us occupy posts in the vicinity of the enemy, let them be properly garrisoned and well provided, and the business is done.

These will afford an opportunity of trading with the friendly tribes, and will prevent all intercourse between the whites and the Indians, except under proper regulations. Should hostilities be meditated by any tribes who are not in amity with us, early intelligence of their movements can be obtained; their marauding parties may either be beaten off on their approach, or intercepted on their return; opportunities may be taken of separately attacking the hostile tribes; their old men, their squaws, their children, will be exposed a great part of the year, whilst the others are out hunting. In short, if fear, hope, interest, can be supposed to have any influence on the Indians, this mode of defence must be allowed to be preferable to any other, as giving the fullest scope to the operation of all those motives.

A different mode has long been pursued in Virginia, and adopted by the inhabitants of Kentucky, but its success has not been such as to offer any inducement to the General Government to follow the same plan. Rangers have there been employed for a number of years to scour the frontiers; and those rangers, too, were expert woodsmen, perfectly inured to the Indian mode of warfare; yet, notwithstanding their utmost vigilance, the savages still found means to commit all the murders and depredations already enumerated. It is true, however, that a frontier militia man, trained up in the woods, may be, in many respects, preferable to a regular soldier, who has not the same knowledge of the country, and of the mode of fighting; but with equal experience, (and proper men, possessed of that experience, may be enlisted on the establishment) regular troops will be found infinitely superior to any militia upon earth.

Every man who has ever seen militia in the field, cannot but know that a very trifling disaster, or a slight cause of discontent, is sufficient to make them disband and forget all subordination, so far as even to neglect the means of self-defence; whereas regular troops, under proper discipline, and acting with greater steadiness and concert, are much more to be depended on, especially when the object of attack is distant, and great fatigue is to be undergone. The militia, in whatever mode they may be called out, will hardly furnish men

of the proper description: if large pay be offered, the temptation will equally prevail upon those who are unfit for the service as it will upon good, effective men; besides, some of the States have no militia laws; and, even in those States which have such laws, they are gone into disuse; no dependence can therefore be placed on militia under any laws now existing. There is, indeed, a general militia law now before the House; but if it ever passes, it certainly cannot be passed in due season to answer the purpose of providing for the immediate defence of the frontier. Regular troops must be raised, or nothing effectual can be done; and if to avoid the expense we refuse the only aid that may prove of any real service, we render ourselves responsible for the consequences of this parsimonious policy, which may be attended with the ruin and destruction of our fellow-citizens in the Western country.

The Cornplanter's speech was again mentioned and called for; but, as it had been confidentially communicated by the President, an objection was made to having it read without clearing the galleries. Whereupon,

An honorable member arose, and mentioned his having read it in one of the public newspapers in the State of New Jersey.

To this it was answered, that if any gentleman had the newspaper to produce, the speech might be publicly read from that; otherwise, although it might be very proper that the speech itself should be read, yet, as it had been confidentially received from the Executive, there would be a manifest trespass on propriety and decorum in having it read with open galleries; it was therefore wished that the galleries might be cleared.

The Parliamentary etiquette requiring that this should be done by the House, and not by a committee, the committee rose for the purpose; and,

The Speaker having resumed the Chair, the motion for clearing the galleries was renewed.

An objection was here started by an honorable gentleman in favor of the augmentation, who said that, as some gentlemen had spoken on the popular side of the question, whilst the galleries had been open, it was unfair to preclude those of opposite sentiments from an opportunity of answering their arguments in the same public manner, and proving to the people the justice and necessity of the war.

The motion, however, was persisted in, and the galleries were cleared.

[The speakers in this day's debate were Messrs. WAYNE, GOODHUE, BOUDINOT, LIVERMORE, STEELE, PARKER, BOURNE, (Rhode Island,) WHITE, and MOORE. Mr. WHITE and Mr. MOORE opposed the motion; they were in favor of the augmentation proposed in the bill. The other gentlemen were in favor of striking out the clause.]

FRIDAY, January 27.

The Speaker laid before the House a Letter from the Treasurer of the United States, covering his account of indents of interest received and issued between the first of October, and the thirty-

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first of December, one thousand seven hundred and ninety-one, inclusive; which were read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

The House again resolved itself into a Committee of the Whole House on the bill for making further and more effectual provision for the protection of the frontiers of the United States.

Mr. MERCER rose and addressed the Chair as follows:

Mr. Chairman: I originally opposed the reference of this subject to the Secretary of the Treasury, on principles supported by the Constitution, by the theory of free Government, and from practical observation on the progress of our own, and I believe the result now before us will fully exemplify every evil predicted.

Let any man examine this bill, and compare it with the terms of the original reference. Let it then be asked, whether the submission to devise ways and means to provide for the defence of the Western frontier, authorized the plans proposed by the Treasury Department, that we are now giving sanction to? Did it authorize a perpetual tax, irrepealable by the whole Legislature, without a breach of faith, according to received doctrine? At least, so far placing the purse-strings in the hands of the Executive, who may refuse an assent to the repeal; in the power of the Senate also, and consequently beyond the reach of the Representatives of the people, who alone are deputized by, and may be recalled by the great mass of society, and to whom the Constitution expressly confines the power of originating money bills. Have we, in truth, originated this money bill? Do we ever originate any money bill? If a reference, such as made to the Secretary, was proposed to the Senate, who are a branch of the Legislature, nearly of equal importance with ourselves, would it not be held a breach of the Constitution? Were they to propose such a plan as this to us, would it not be received with indignation? Why so little jealousy of the Executive Department, separated by the Constitution with so much care from us? Of the Treasury Department, too, which is considered in other countries as possessing and exercising the means of corruption? It is in my judgment a direct infraction of the letter and spirit of the Constitution, of the principles of free Government, and I have heard no attempt to defend it, but on the ground of pitiful evasion, more dishonorable to ourselves and dangerous to the public, than an open violation, that would rouse their resentment and insure opposition.

But did the submission of a provision to defend the frontier authorize a system for the encouragement of manufactures? Thereby placing the occupations and productive labor of our citizens under the direction of Government, and rendering the living of the artist and subsistence of the farmer, so far equally dependent on and subservient to the views of Administration? Did it authorize an entire provision for the public debt, past, present, and to come? Did it authorize a plan for supplying former deficiencies, which it is admitted do not exist? Lastly,

did it authorize an extensive increase of the Sinking Fund, which we are informed is one of the principal objects? It would be an affront to common sense to answer one of these queries in the affirmative—it authorized none of them. And yet these are all its offspring; these are the great objects it produced. It is true there are in the bill two or three little clauses that were authorized, and which relate to the submission, and which might well have escaped my attention, and would probably never attract the observation of the public, but for the title—a bill for the protection of the frontiers. By these clauses five hundred and twenty-three thousand dollars of the whole moneys to be forever raised from its perpetual revenue, are appropriated for this year's campaign. After that sum is expended, we must, even the next year, look out for new taxes, and upon the same principles, as long as the Indian war continues (and by the enlistments it is not contemplated to be of very short duration) new taxes must be provided, for the residue of these taxes are by this bill appropriated to other purposes, for ever, after five hundred and twenty-three thousand dollars are paid. This appropriation is unalterable even by the whole Legislature, unless by a breach of public faith, or providing other equal revenue. Should every year's Indian war, and every national disaster excuse Government for laying a perpetual tax, equal to the increased annual demand, it will be selling us defeats at a very high price; and if Government are paid so well, they may be tempted to repeat the tragical representation.

But what is the reflection that naturally arises from a contemplation of this bill. That Administration will not even permit us to defend the helpless women and children of the frontier from the brutal ferocity of a savage foe, but on condition that the Representatives surrender up forever the sacred trust of the Constitution, and place in the power and under the control of the Executive and Senate, a perpetual tax. Unless they throw the power of regulating the labor and industry of their fellow-citizens into the hands of Government, and into a mean dependence on Administration; and unless they furnish a large sum of money, under the denomination of a Sinking Fund, for the purposes of speculation, in order to raise and lower the price of stocks at pleasure, or as may suit the views and interest of the band of favorites that are in the secret.

Hard and oppressive conditions! Was this the object of the reference to the Secretary? It was not the avowed one, nor could it have been suspected, from a simple proposition to devise ways and means to defend the frontier. A mighty fabric has been erected on this slight foundation, to hurry us into its adoption. We have been officially, I suppose, informed that the money for the War Department is almost expended; that the preparations for the Western expedition must stop, unless we pass the bill immediately; and thus, with the tomahawk suspended over our heads, we must give up to Administration the dearest interests of the people, and sacrifice the most sacred rights of the Constitution.

If anything can equal the boldness of this measure, it is its injustice. I have long remarked in this House, that the Executive, or rather the Treasury Department, was really the *efficient Legislature of the country*, so far as relates to the revenue, which is the vital principle of Government. The clause of the Constitution confining to the immediate Representatives of the people, in this House, the origination of money bills, is converted into a Committee of Sanction, that never withholds its assent; a convenient cloak to divert the blame of odious measures from the real authors. We have heard of corrupt majorities in British Parliaments. I will not suppose an improper motive in any member of this body, but I am free to say that we appear better trained than any House of Commons I have yet read of; for if a Minister, with them, was to attempt to supply all the ordinaries and extraordinaries of Government by perpetual taxes, I am persuaded he would risk his head. The Representatives of the British nation, the immediate agents of the people, dare not vote away the rights of their principals and the power of their successors. They preserve the purse-strings in their own hands, by laying taxes for the support of Government from year to year; they know no permanent taxes, except those pledged for certain debts—and even those the whole nation now exclaims against, as the mortal poison of the Constitution—and the settlement for the support of the Crown, given in exchange for the feudal and constitutional rights relinquished by the King.

When this tax-law made its first appearance from the Treasury Department, petitions against it from the great commercial capitals of America, convenient to us, were presented. The petitioners represented the impositions on commerce as already oppressive and intolerable. Their particular Representatives seemed to sympathize at first with these sentiments. I hope it was not intended to enhance this measure as a boon, in order to demand some greater sacrifice as an equivalent. But certainly when these objections were admitted to be valid, and a proposal was made to render the evils temporary, by limiting the bill to a short period, and in order that it might be commensurate with the original purpose, *the Indian war*—the encouragement of manufactures, stability in commercial arrangements, a variety of new purposes for money, former deficiencies, and a Sinking Fund, were then vaunted forth as the objects of the measure. These were certainly never the objects of the reference, and show, at one view, how iniquitous and dangerous it is to blend temporary objects with permanent regulations, and connect necessary and indispensable provisions with measures of doubtful, if not unjust policy.

Independent of the constitutional question of the right of Congress, why should we be compelled to consider the extensive range and delicate refinement of encouraging manufactures by extensive duties operating as indirect bounties, under the pressure of providing for an Indian war? Putting out of view the general and irrefragable principle, that industry will almost always select the most beneficial channels for its streams to flow in, and

that for Government to attempt to divert its course, as it can only be done by the obstructing in one part and opening in another, is not only impolitic and imprudent, but unjustifiable and tyrannical; yet even such encouragement, if proper, should certainly not be permanent. A manufacture that will not, after a sufficient stimulus, support itself, ought not to be encouraged. When it no longer needs aid, the tax ought to be withdrawn; but as there is no limitation proposed, as the law is perpetual, a repeal at any time would be construed into a breach of faith, by those who embarked capitals on the proffered encouragement. But we should recollect, that this not only operates unequally in the same States, between the farmer and mechanic—the staple States are unequally represented in this Government—that we are differently, therefore, interested with respect to manufactures; that these bounties are in fact paid from the staples of the Southern States, by producing retaliating regulations in their only markets abroad, and raising the price of what the planters must buy at home. In fine, such precipitate measures seemed calculated to sow discontent, in order to reap confusion, and out of confusion it is said order arises; that is, it gives countenance to the abuse and desertion of all free Governments, and the introduction of despotism in its stead. With respect to stability in commercial regulations as necessary to mercantile calculations—if duties have a certain limit, calculations may as well be made on that limitation as on permanency; but surely these arguments have been advanced by the advocates of the bill with one eye shut. They have not even squinted at that part of this same bill which limits the continuation of the increased duties on three-fourths of the articles of importation to a short period; their hearers are to be compelled to forget all the arguments on the first part before they are allowed to consider the second.

As to the other purposes and former deficiencies, they were never suggested until some excuse was to be invented; and in this case it seems also unfortunate that this very bill, in one of the latter clauses, states that there is an actual surplus of revenues of one hundred and fifty thousand dollars: surely, in such arguments, there is no regard to decency preserved; but, in every view, to lay permanent taxes, without appropriating them to specified purposes, is unsafe and unconstitutional.

As to a Sinking Fund, it is a pretext that will not bear inspection. If it was really meant to discharge the principal of the debt, why not early present a plan as an independent object of deliberation? It is certainly of sufficient magnitude. Why wait until the Indian war was on the tapis? But perpetual taxes are not necessary for a Sinking Fund. Perpetual taxes were never excused upon any other principle but the providing a certain interest to give currency to a fictitious capital. That is not the case with respect to a Sinking Fund; that should be provided and increased as circumstances will permit, from year to year; our successors should be left as free in this respect as we are. Besides, a perpetual tax for a Sinking Fund is an absurdity in language. It is true, where we

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are constantly increasing our debts, and even when we cannot increase them fast enough, assuming debts of others, a perpetual Sinking Fund may be reconciled to the fact; but that fact must also prove that there is really no serious intention of our paying the debt, but that it is considered as the great engine necessary to influence the motions of Government, and which must ever be preserved when once introduced. That this is the real policy, the use that has been made of the Sinking Fund we now have, will evidently demonstrate. I have, it is true, no official documents, but it has been published in the newspapers, and not contradicted. I have before mentioned it in this House, and it has not been denied. I must, therefore, believe it to be true that the Treasurer of the United States, and other agents for the Department of the Treasury, have gone into market, and given higher prices for stock than individuals purchased at: in this city, at 12s. for three per cents, when they sold at 10s. 6d at New York—12s. when others could buy at 10s. Is not this throwing away 3s. and 4s. in the pound of the public money, betraying the confidence of the people? Is it not worse—is it not deviating so much to sinister purposes? It is said, that it raises the price on foreigners; the fact is directly the reverse. It raises the price of foreign property on ourselves, for they hold perhaps the greater part of this paper. But, on this principle, we should go on until we stimulate the six per cents. to 30s. in the pound, to make it equal to money at 4 per cent., at which rate it is said foreigners now lend to us. We certainly, on their own principles, lose more by the difference between 20s., the ultimatum to which we now go, and 30s., to which we ought to go to raise our stocks to the price of foreign loans. Then we should lose between 20s. and 15s. or 16s., which is the lowest that stocks could probably descend, whilst we pay the interest quarterly.

But it is asked, Would Government wish to give less than 20s.? The answer is, the money of the people ought to be laid out so as to sink the greatest quantity of the debt. But, again: Government had no such scruples when the debt was principally in the hands of the original holders. They bought up then at 12s., 13s., and 14s., or less, and so on. Why did they not fix then the price at 20s.? Why are *mere speculators* (I mean not to include those who purchase to hold, for it is their interest to purchase cheap) dearer to Government than those who have gained these debts in exchange for their blood or their property? Why protect those who have purchased 20s. for 2s. 6d. from the soldier and farmer from losing perhaps a tenth of their profits? Why should Government make use of the contributions of these very injured people, as well as others, to increase the advantages of those who have injured them? Why select this particular species of property to raise its value? Why not raise the price of tobacco, rice, and other articles, now so low? Have they not been as honestly earned?

In fine, we have opened a small door, and let us only observe what a host of evils have entered; and then we are asked, Why do we not prepare a

substitute? After having compelled us to part with the subject out of our hands, and refer it to a part of the Executive—after it has been cooped up out of doors, and kept back until the cravings of necessity compel the admission of part of the proposals—when we now wish to separate the necessary and useful from the pernicious parts, unjustifiably blended and introduced, we are arrested by the votes of a majority, and even insulted by an abuse of an imputed incapacity, that, if true, would, by degrading the whole Representative body of the people, involve themselves, as well as the minority, in the ignominy. But, surely no two propositions can be more readily distinguished than the increase of revenue for the Indian war, and this complicated, unauthorized, unnatural, unconstitutional mixture of manufacturing, financial, deficiency, sinking fund, and Indian war ingredients.

When Mr. MERCER had concluded, the Committee rose, and the House adjourned.

MONDAY, JANUARY 30.

The Speaker laid before the House a Letter from the Secretary of War, transmitting, pursuant to the directions of the President of the United States, copies of the official communications which have passed between the Executive of the United States and the Governor of Pennsylvania, upon the subject of the temporary defensive protection of the frontiers of the said State; which were read, and ordered to lie on the table.

A message from the Senate informed the House that they have passed the bill to establish the Post Office and Post Roads within the United States, with several amendments; to which they desire the concurrence of the House.

PROTECTION OF THE FRONTIERS.

The House again resolved itself into a Committee of the Whole House on the bill making farther and more effectual provision for the protection of the frontiers of the United States; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; when the same being read, some were agreed to, and others disagreed to.

And then the said bill being before the House, a motion was made, and the question being put to amend the same, by striking out the second section thereof, in the words following:

“And be it further enacted, That there shall be raised three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians.”

It passed in the negative—yeas 18, nays 34, as follows:

YEAS.—John Baptist Ashe, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Nicholas Gilman, Benjamin Goodhue, William Barry Grove, Samuel Livermore, Nathaniel Macon, Nathaniel Niles, Josiah Parker, Israel Smith, John Steele, Thomas Sumpter, George Thatcher, Artemas Ward, Hugh Williamson, and Francis Willis.

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NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, John Brown, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, Andrew Gregg, Thomas Hartley, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Williams Vans Murray, John Page, Cornelius C. Schoonmaker, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, and Alexander White.

The farther consideration of the said bill was then postponed until to-morrow.

TUESDAY, January 31.

The Speaker laid before the House a Letter from the Secretary of War, covering his report on the petitions of James Swaine, Abraham Springer, Timothy Mountford, sundry seamen, Samuel Wail, for himself and servant, John Carnaghan, James Shields, Henry Skinner, and William Loring; which were read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

The House resumed the consideration of the bill for making farther and more effectual provision for the protection of the frontiers of the United States; and the same being further amended, was

Ordered To be engrossed, and read the third time to-morrow.

WEDNESDAY, February 1.

Mr. PAGE, from the committee to whom was referred the petition of John Churchman, made a report; which was read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

An engrossed bill for making farther and more effectual provision for the protection of the frontiers of the United States, was read the third time, and the blanks therein filled up; and, on the question that the said bill do pass,

It was resolved in the affirmative—yeas 29, nays 19, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, John Brown, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, Thomas Hartley, Daniel Huger, Aaron Kitchell, John W. Kittera, Amasa Learned, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Joshua Seney, William Smith, Samuel Sterrett, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Jeremiah Wadsworth, Anthony Wayne, and Alexander White.

NAYS.—John Baptist Ashe, Shearshub Bourne, Benjamin Bourne, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Nathaniel Macon, Nathaniel Niles, Josiah Parker, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, George Thatcher, Artemas Ward, and Francis Willis.

THURSDAY, February 2.

Mr. STEELE laid the following motion on the table:

“That a committee be appointed to inquire into, and report to this House, their opinion of the number of Indians now in arms against the United States; the documents whereon that opinion may be founded; the causes of the delay of the Federal Army on the Ohio; the scarcity of provisions and forage; the quality of the powder; and such other causes as may have been, in the judgment of the committee, conducive to the late unfortunate defeat.”

POST OFFICE BILL.

The amendments of the Senate to the bill for establishing the Post Office and Post Roads within the United States, were taken into consideration by the House, and all of them agreed to, except one or two which respect a variation in the cross posts.

One of the amendments, proposed by the Senate and agreed to by the House, is in favor of the newspapers; inasmuch as it permits any person whatever, without authority from the Postmaster General, to “take up, receive, order, despatch, convey, carry, and deliver” newspapers, for hire, on the established post roads, without being subject to any fine, penalty, or forfeiture, for so doing.

By another amendment, it is enacted, that if any person employed in any department of the Post Office, shall unlawfully detain, delay, embezzle, or destroy any newspaper, with which he shall have been intrusted, such offender shall, for every such offence, forfeit a sum not exceeding fifty dollars; and the Postmaster, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is made to carry newspapers, other than those conveyed in the mail.

One of the amendments was to strike out *Exeter* from the general route of the post.

Mr. GILMAN rose in opposition to this amendment.

I hope, said he, the alteration will not be agreed to. When this bill went up to the Senate, I am informed it was committed to a committee consisting of a member from each State; that the alterations were made in that committee, and afterwards agreed to in Senate without much debate. In that committee, this subject was very unfairly represented, and gentlemen who were then in favor of the amendment, are now, on further inquiry, decidedly against it. This, I think, a good reason why the House ought not to concur. But, sir, I beg leave to offer some reasons why an office should be established in Exeter. It is a compact town, of considerable trade, and some navigation; it has a direct trade with Boston, and vends considerable quantities of dry goods. This trade would be greatly facilitated by having the stage pass through the town; but what is of more importance, and more extensive in its operation, arises from the necessary communication which is kept up between that town and other parts of the State. This will be perfectly understood, when gentlemen are informed that the records of the

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State, the Secretary's and Treasury offices are kept there; that the records and treasury of a large county, comprehending both Portsmouth and Exeter, and extending fifty or sixty miles into the country, are also kept there; and that the Judicial Courts of the County, the State, and the United States, sit there at appointed periods. It is there the Governor convenes his Council, to consult on public affairs; and it is from that place a communication should be kept up between the State and the General Government. From these circumstances, it appears that it would be very convenient not only for Exeter, but for a considerable part of the State, to have an office established there; and as the necessary communication between that and other towns would afford frequent opportunities to send and receive letters by private conveyance, a doubt can hardly exist that such an arrangement would be productive to the revenue. This, I believe, to be the opinion of the Postmaster General. Sir, the distance from Boston to Portsmouth does not exceed seventy miles, and that perhaps the best road within the United States, of equal extent. The objection, therefore, that the stage cannot pass through in a day, can have no weight; it is too absurd to deserve a serious refutation. The difference in the distance between the present route of the mail and the one proposed through Exeter, is, passing through Kensington, about three miles, or by Hampton Falls, about five miles. The road through Kensington is a good carriage road; the stage ran that way about five years ago, before the proprietors contracted for the transportation of the mail; it was then a pretty good road, since which it is much improved. It was, therefore, a false assertion to say that the road through Kensington or Hampton Falls is bad; and I am persuaded that the mail passing that way could not be injurious to Portsmouth. But, sir, the opposition to this measure arises from a rivalry between the two towns. Before the war, the courts and offices, just now mentioned, were held exclusively at Portsmouth; on the commencement of hostilities, it was found convenient to remove them to Exeter, where it has been thought expedient to continue them. But this has excited a degree of jealousy in the minds of some persons, in the interest of Portsmouth, who are perpetually on the watch to oppose any public measure calculated to promote the interest or convenience of Exeter. If this alteration takes place, letters going to Exeter will be liable to a postage of twenty or twenty-five per cent. more than by the present arrangement; and, as the cross-post will set off but once a week, letters may lie six or seven days in the office at Portsmouth: this will preclude the people of Exeter from the benefit of a post, and they will be obliged to send their letters by private conveyance, as they now do. By the original construction of the bill, the expense of transporting the mail would be less than by the proposed alteration; as, by extending the route of the principal mail about three miles further, the travel of the cross-post is shortened fourteen. I therefore hope the people in that part of the State will not be deprived of rights naturally arising from their

situation, by the prejudice and misrepresentation of those who wish to injure them, and that the amendment will not be agreed to.

Mr. LIVERMORE.—I shall agree to the amendment made by the Senate in this bill, to strike out Exeter, and to carry the mail by the accustomed route, through Hampton, which is the nearest way, as gentlemen have heretofore stated, by about five miles; and it is also the best road, more especially in winter, when the snow is deep, being a road more used, and consequently the paths better kept open. And as the bill provides that a mail shall be carried from Portsmouth, by Exeter, to the interior parts of the State, I think the town of Exeter will be well accommodated, without the deviation of five miles before mentioned. As the stage-carriages that carry the mail three times a week between Portsmouth and Boston, in the summer season, carry many passengers from Portsmouth and from Boston, and other places, a deviation of five miles, and in a worse road, would be a very great inconvenience to such passengers. The distance from Boston to Portsmouth, by the usual route, is about sixty-five miles. This is a pretty long journey to be performed with a stage-wagon in one day, which is the case in the summer season; but five miles added, may induce the necessity of traveling sometimes after night, which would be attended with inconvenience to the passengers, besides hindering the mail from arriving at the appointed hour. The inconvenience would also perhaps be greater in winter, in proportion to the number of passengers, and in respect to retarding the mail, as some part of the new proposed route is considerably more liable to be blocked up with snow, for want of traveling to keep it open, than the old route. Portsmouth being a place of considerable commerce and navigation, it is important that the mail should arrive at its proper times, and as early as possible. The letters for Exeter are few, compared with the number for Portsmouth. The postmaster has stated the amount of the postage of letters for Exeter, passing through his office at Portsmouth, to be about fifteen dollars and a half, in eleven months, from the first of January, 1791; a sum very inconsiderable indeed compared to the amount of postage received for letters delivered in Portsmouth during the same period.

Mr. THATCHER.—I feel, myself, sir, as little interested in the present question as it is possible for the gentleman just now up, from New Hampshire, [Mr. LIVERMORE.] Indeed, I have no other interest in this matter than what arises from a desire to accommodate the greatest number of people; and so far, I confess, I feel interested; for any general measure that does not effect this, gives a certain degree of pain. If the facts that have been stated be true, and the arguments drawn from them in support of the amendment be conclusive, I certainly should be interested in favor of it; because it must immediately affect my constituents. But, sir, the facts are not true, nor the reasoning just. Sir, the real matter in dispute between Portsmouth and Exeter has not yet been understood; and I conceive it to be simply this: Shall the mail

from Boston arrive at Exeter about two hours earlier, on the same day, than at Portsmouth; or shall it arrive at Portsmouth first, and at Exeter the next day, or within six or seven days after? This, sir, is the real question; for whether it passes through Exeter, or through Hampton, as it now does, it will reach Portsmouth on the same day it leaves Boston, and about the same hour. If the hour of arrival at Portsmouth be fixed at eight o'clock in the summer time, the post may accomplish the route through Exeter with ease, and he will do no more if he passes through Hampton. This brings us to an examination of the reasons offered in favor of the amendment, which go altogether to show that if the route be established through Exeter, the mail will not arrive at Portsmouth on the same day it leaves Boston, and consequently, the merchants at that place will be injured; and not only so, but, it is said, the Portland mail will be delayed another day. Did I believe there was the least shadow of reason for this apprehension, I should be the first for agreeing to the amendment; but, sir, it is all a pretence, a whim, invented for no other reason than to prevent the mail's arriving at Exeter before it does at Portsmouth.

The gentleman [Mr. LIVERMORE] has said the route from Boston to Portsmouth, through Exeter, is about five miles farther than through Hampton. He does not pretend to say it is more. I verily believe the difference is not more than three miles, if it is so much as that; but, for the sake of the argument, I will admit there is the difference contended for by the gentleman. We will examine the question on that supposition, and see if there arises a probability that the increased distance will prevent the arrival of the mail at Portsmouth on the day it leaves Boston. It seems to be agreed, that the old route from Boston to Portsmouth is about sixty-four or five miles. Now, it is a fact, that prior to the building the bridges across Mystic and Beverly rivers, the stage passed this route in a day, although at Beverly ferry it was detained from thirty to forty minutes where it now passes in two, and it was obliged to go round by the town of Mystic, which is two miles farther than where it now crosses on the bridge; by these bridges, then, we may consider five miles taken off the whole distance—so that, admitting the objection of the addition of five miles, as the gentleman wishes to have it, the mail may now pass in a day, from Boston to Portsmouth, through Exeter, with the same ease and certainty that it did before the erection of these bridges through Hampton Falls, the route contemplated by the amendment; and I must beg leave further to observe, that a bridge is about to be thrown across Merrimack river, which will considerably add to the facility of passing, and may well be counted upon as a further deduction of the distance.

It has been said by the gentleman from New Hampshire, [Mr. LIVERMORE,] that the road from Portsmouth to Newburyport is a good road. I agree with him in this point; I am as perfectly acquainted with the road from Portsmouth to Newburyport as he can be; I know every patch

of sand or rock in the way that can impede a carriage; but, as good as it is, I presume he will acknowledge there is more sandy, heavy road for wheel carriages in this part of the line than all the rest of the way to Boston; so that something ought to be carried to the credit of the Exeter route, because it avoids this sand. 'Tis said the road through Kensington to Exeter is blocked up with snow in the winter time—granted as to some particular seasons; but the same is also the case as to Hampton road. I have often known the Hampton road so blocked up that the stage could not run for several weeks. This was the case last March; and I was then informed that the road through Kensington and Exeter was passable for the stage earlier than the Hampton, and it ought here to be noted there is a causeway near half a mile in length in Hampton, over which the passing is not only difficult in the winter time, but very dangerous if passable at all, as some tides overflow it two feet and more. I passed it last March in this situation. This inconvenience will be avoided by passing through Exeter—and no part of that route is so bad in the winter time as this causeway. I have heretofore traveled in the winter time through Kensington and Exeter, on being advised it was the best road of the two; and though there was much snow on the ground, we found no difficulty in getting along. Hence, sir, it is evident to me, that the mail may easily be carried from Boston, through Exeter, to Portsmouth, in a day; and that the objection founded on the increase of distance is a mere pretence, originating in an unwillingness, in the minds of some people, that the mail should arrive an hour or two sooner at Exeter than Portsmouth.

The gentleman [Mr. LIVERMORE] has said it is a principle of the bill, that the mail shall be carried in the most direct road from place to place, and that it will be a deviation from this principle to go through Exeter. This, sir, is not strictly true; no such principle has been adhered to but in a qualified sense, and it has been departed from whenever it would accommodate any considerable number of people. I wish here to remind the House of Springfield, in Massachusetts, and Middletown, in Connecticut; in the former instance, the direct route from Worcester to Hartford is not through Springfield, but a deviation of near ten miles is made to accommodate that town; and in passing from Hartford to New Haven, a deviation of four or five miles (if I am mistaken, gentlemen from that State will correct me) is made for the purpose of accommodating the town of Middletown. Many other instances of this nature might be adduced, and why shall not a small deviation be now made in favor of Exeter, especially since no inconvenience will result therefrom to Portsmouth? I can see no reason.

In order to convince this House that the mail, in passing from Boston to Portsmouth, ought not to be carried through Exeter, the gentleman has read a letter from the postmaster at Portsmouth, stating the number of letters that pass in a year, by a cross-post, from Portsmouth to Exeter; by which it appears the number indeed is very small.

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Hence he would draw an argument that the business between Boston and Exeter is trifling, and not of consequence enough to justify so small a deviation in the mail line of three or four, or, as the gentleman contends, of five miles. But this is strange logic, and a very different conclusion results in my mind from the contents of the letter. The letter may be evidence how little business is carried on between Portsmouth and Exeter, and that consequently there is no real need of a post between these two places; but it does not contain the shadow of evidence that there is no commercial business between Boston and other places in Massachusetts and Exeter. If a gentleman in those places wished to write to Exeter, he would never think of putting his letter into the Portsmouth mail. He must know that it is liable to lie six days in the post office at Portsmouth, and perhaps longer, while various opportunities, by a private conveyance, would present within that time.

I have hitherto admitted the additional distance, by going through Exeter, to be five miles; but, sir, since the mail stage passes Merrimack river, about four miles above the old ferry, (the gentlemen of the House acquainted with that part of the country know the places I refer to.) I cannot agree that this additional distance will be more than three miles, if so much. But, however this may be, I trust I have shown to the satisfaction of the House that, whether it be five or three, it cannot produce any inconvenience to Portsmouth, but must be highly beneficial to Exeter.

There is another consideration, sir, that ought to have some weight in deciding this question, which I will mention, and say no more. It is this: A letter that goes from Boston to Exeter, through Portsmouth, will stand charged twenty-five per cent. more than if the mail was carried directly from Boston to Exeter; while, on the other hand, the postage of a letter from Boston to Portsmouth is the same, whether the mail passes through Hampton or Exeter, because, in both of these routes, the distance from Boston to Portsmouth is more than sixty miles, and short of the next grade of postage. For these reasons, sir, I hope the House will disagree to the amendment.

Mr. SMITH (N. H.) observed, that he was sorry to find his colleagues differing in opinion on the subject under consideration. He had no prejudice in favor of one of the towns (Portsmouth and Exeter) above the other. He only wished the bill might establish that route which would best accommodate the State at large. He conceived, when the situation of New Hampshire was considered, it would be evident that the bill as passed by the House was better calculated to answer this purpose, than it would in case the amendment proposed by the Senate should be adopted. He remarked, that the trade of the greater part of that State had been, and probably would continue to be, with Boston; that, if the general line of the post road should be established through Exeter, it would be, to the people in the interior part of New Hampshire, a saving of at least twenty-five miles in the distance between them and Boston;

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that the trade of Exeter, though within fifteen miles of Portsmouth, was principally with Boston; that, if the amendment proposed by the Senate should be adopted, they would be deprived of any benefit from the establishment of post roads; that the route would be so circuitous, that the people in the interior parts of the State would probably in future, as they had in times past, send their letters to Boston, and to the Southward, by private conveyance rather than by post. It was easy to see that the revenue, by this means, would be injured; that this circumstance would serve to account for the statement read from the postmaster at Portsmouth, of the small number of letters sent from his office to Exeter. It was his opinion, that the revenue would be greatly increased by taking Exeter into the main post road; and that a contract for carrying the mail from Portsmouth to Boston might, in that case, be obtained for as small a sum as by the road now used. He could not see how this would injure Portsmouth, though it might not prove advantageous to the postmaster at that place. How far the House might think it their duty to consult the particular interest of that officer, he would not pretend to say. He had reason to believe (though he could not speak altogether from his own knowledge) that the account given of the road by one of his colleagues, and the gentleman from Massachusetts, was a just one. Upon the whole, considering the amendments as not calculated to promote the advantage of the State he had the honor to represent, he should vote against it.

FRIDAY, February 3.

A message from the Senate informed the House that the Senate recede from their amendments, disagreed to by this House, to the bill to establish Post Offices and Post Roads within the United States, and do agree to the amendments proposed by the House to their amendment to the said bill.

THE COD FISHERIES.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled, "An act for the encouragement of the Bank and other Cod-Fisheries, and for the regulation and government of the fishermen employed therein."

The first section being read as follows:

"Be it enacted, &c., That the bounty, now allowed upon the exportation of dried fish of the fisheries of the United States, shall cease on all dried fish exported after the tenth day of June next; and in lieu thereof, and for the more immediate encouragement of the said fisheries, there shall be afterwards paid, on the last day of December annually, to the owner of every vessel, or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law, for carrying on the Bank and other Cod-Fisheries, and that shall actually have been employed therein at sea, for the term of four months at least, of the fishing season next preceding (which season is accounted to be from the last day of February, to the last day of November in every year) for each and every ton of such vessel's burden, according to her admeasurement, as licensed or

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enrolled; if of twenty tons and not exceeding thirty tons, one and a half dollars, and if above thirty tons, two and a half dollars, of which bounty three eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five eighths thereof shall be divided by him, his agent or lawful representative, to and among the several fishermen who shall have been employed in such vessel, during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season. *Provided*, That the bounty, to be allowed and paid on any vessel for one season, shall not exceed one hundred and seventy dollars."

Mr. GILES, expressed some doubt respecting the principle of the bill; and for the purpose of collecting the sense of the Committee on the subject, he thought the most effectual means would be a motion to amend the bill, by striking out the whole section. He accordingly made the motion, observing at the same time, that he could not positively assert, whether the reasons which determined him against the principle of the bill, were well founded or not; that, in matters where a local preference is given, it is necessary to accommodate; and he would be happy if his objections could be removed. The present section of the bill appears to contain a direct bounty on occupations; and if that be its object, it is the first attempt as yet made by this Government to exercise such authority; and its constitutionality struck him in a doubtful point of view; for in no part of the Constitution could he, in express terms, find a power given to Congress to grant bounties on occupations: the power is neither directly granted, nor (by any reasonable construction that he could give) annexed to any other power specified in the Constitution. It might perhaps be brought in under a mode of construction already adopted by the House, viz: that of "ways and ends" by which any power whatever might be equally implied; but he wished ever to see some connexion between a specified power, and the means adopted for carrying it into execution. There is a great difference between giving encouragement, and granting a direct bounty. Congress have a right to regulate commerce; and any advantage thereby resulting to a particular occupation connected with commerce, comes within that authority; but when a bounty is proposed to a particular employment or occupation, this is stepping beyond the circle of commerce; and such a measure will affect the whole manufacturing and agricultural system. In all cases, the revenue, to be employed in this bounty, is drawn from all the sources of revenue in the United States, and confined to a particular object. He was averse to bounties in almost every shape, as derogations from the common right; and he thought there would be no great difficulty in proving, that a Government is both unjust and oppressive in establishing exclusive rights, monopolies, &c., without some very substantial merit in the persons to whom they are granted; although even in that case, the propriety of such grants is still questionable. Under a just and equal Government, every individual is entitled to protection in the enjoy-

ment of the whole product of his labor, except such portion of it as is necessary to enable Government to protect the rest; this is given only in consideration of the protection offered. In every bounty, exclusive right, or monopoly, Government violates the stipulation on her part; for, by such a regulation, the product of one man's labor is transferred to the use and enjoyment of another. The exercise of such a right on the part of Government can be justified on no other principle, than that the whole product of the labor of every individual is the real property of Government, and may be distributed among the several parts of the community by governmental discretion; such a supposition would directly involve the idea, that every individual in the community is merely a slave and bondman to Government, who, although he may labor, is not to expect protection in the product of his labor. An authority given to any Government to exercise such a principle, would lead to a complete system of tyranny.

He entertained few doubts, respecting the principle, as it regards political economy. All occupations that stand in need of bounties, instead of increasing the real wealth of a country, rather tend to lessen it; the real wealth of every country consisting in the active product of useful labor employed in it. It is therefore bad policy to encourage any occupation that would diminish, instead of increasing the aggregate wealth of the community; and if an occupation is really productive, and augments the general wealth, bounties are unnecessary for its support; for when it reimburses the capital employed, and yields a profit besides, it may be said to support itself. When it fails in these points, any forced advantage that is given to it by the Government, only tends to decrease the wealth of the country. The subject however might be considered in a more favorable point of view: and that is, whether the provision be essential to the defence of the United States, and whether the bounties proposed in the bill were more than equivalent to the portion of defence that would be procured by them. The bill does not (in his opinion) contain that kind of encouragement, which is essential to the national defence. Any man who takes a view of this country, must be convinced, that its real support rises from the land, and not from the sea; and the opposite mistake must have arisen merely from a servile imitation of the conduct of Great Britain: the inhabitants of this country heretofore thought favorably of her Government, and the Revolution has not yet altered their former ideas respecting it. But the circumstances of the two countries will, on examination, be found widely different; Britain, surrounded by the sea on every side, finds a navy necessary to support her commerce; whilst America, possessed of an immense territory, and having yet ample room to cultivate that territory, has no occasion to contend by sea with any European Power: her strength and her resources are all to be found within the United States; and if she but attends to her internal resources, the object of national defence will be much better answered.

Mr. G. next proceeded to consider whether that

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portion of the national defence which might be derived from the fisheries, would not be purchased at too high a price. Although the apparent intention of the bill is only to convert the present existing drawbacks into a bounty; yet the drawbacks being allowed only to the actual exportation of the fish, and the bounty being granted on the tonnage of the fishing vessels, there can be no comparative value between the drawback and the bounty; they have no necessary relation to each other, and the latter may exceed the former, or the former exceed the latter. He had made a calculation, and upon the most favorable principles, grounded on the Reports of the Secretary of the Treasury and the Secretary of State. Here he produced a calculation, tending to show that the proposed bounty on the tonnage of the fishing vessels, would considerably exceed the amount of the present drawbacks. From a comparison between the bounty, and the number of sailors employed in the fisheries, he showed what an expense each man would be to the United States; and, after other remarks, observed, that even Great Britain, whose whole national support and defence depends on her navy, had found, that the men employed in the fisheries, though so necessary for that defence, cost her too much; that America, whose consequence, as a nation, does not depend on a navy, ought to take a lesson from the experience of Britain: that he did not wish to enter into a competition with Britain and France, in supplying the different markets with fish; that, as those nations are able to hold our greater encouragement to their fishermen, than we can to ours, we would, by such a competition, only exhaust the Treasury of the United States to no purpose; and upon this principle alone, he thought there was some reason to doubt the policy of the measure proposed in the section under consideration, which therefore he hoped the Committee would agree to strike out, unless his objections could be obviated.

Mr. MURRAY observed, that in order to demonstrate the propriety of the measure, it would be incumbent on the friends of the bill, first, to prove that the fishery trade is in a state of decay, that the stock employed in it does not yield the ordinary profits, so as to justify the merchants in embarking their capital in this branch of trade: that there is a system of defence in contemplation, which the circumstances of the country call for, and which this trade is calculated to furnish; that other branches of trade, which do not stand in need of encouragement, are not equally capable of furnishing seamen for the purpose: that this particular object so peculiarly claims the attention and encouragement of the United States, as to leave far behind every consideration of the manufacturing interest, the agricultural, &c. All this he thought necessary for gentlemen to prove, and to show some very strong necessity for encouraging one particular class of men, in preference to all others.

Mr. GOODHUE.—It happens that the fisheries of the United States are almost entirely confined to the State of Massachusetts; and they furnish a considerable, a principal portion of our export trade.

As we are a part of the United States, the United States in general are interested in the prosperity of that branch of business, so far at least as it contributes to the national defence: it furnishes a copious nursery of hardy seamen, and offers a never-failing source of protection to the commerce of the United States. If we engage in a war with any European Power, those seamen will be excluded from their ordinary employment, and must have recourse to privateering. During the late war with Great Britain, we annoyed the enemy more in that line than all others; and had it not been for privateering, it would often have been impossible to keep together our armies, who frequently, in the hour of need, were supplied by the privateers with ammunition and clothing, of which they were wholly destitute. All that we wish to obtain by this bill is, that we may not be burdened with duties. An opinion has been entertained, that no drawbacks ought to be allowed on the re-exportation of articles imported from foreign countries; but if this opinion were to obtain in practice, and no drawbacks were to be admitted, we must confine our importation to articles for our own consumption. The drawback, allowed by the existing law, on the exportation of salt fish, was calculated to be only equal to the duty beforehand paid on the quantity of salt used in curing the fish; but the fishermen complain that, as the act now stands, they are wholly excluded from any participation in the benefit, which centres entirely in the coffers of the merchants. The object of the present bill is, only to repay the same money into the hands of those persons who are immediately concerned in catching the fish; and there can no reasonable objection be made to such a transfer of the drawback, as Government will not lose a single dollar by the change. The gentleman from Virginia [Mr. GILES] talks of the unconstitutionality of granting bounties; but no bounty is required. We only ask, in another mode, the usual drawback for the salt used on the fish. If we can make it appear that the bill does not contemplate any greater sums to be drawn from the Treasury, than are already allowed, it is to be hoped that no further opposition will be made to the measure: and that this is really the case, can be proved by documents from the Treasury office. Here he read a statement and calculation to prove his assertion; and to show that the United States will probably pay one thousand dollars per annum less in the proposed bounties on the tonnage of the fishing vessels, than they would in the drawbacks on the exportation of the fish. The fishermen, he continued, are now under no control; and in consequence of this want of a proper restraint, they often take whims into their heads and quit the vessels during the fishing season. To prevent the inconveniences of this practice, the bill contemplates their exclusion from the bounty, unless they enter into such contracts and regulations, as may be found necessary for the proper and successful conducting of the business, which, from our advantageous situation would be entirely in our hands, if we did not meet with such opposition and discouragement from foreign nations, whose bounties

to their own fishermen, together with the duties laid upon our fish, would, to persons less advantageously situated than us, amount almost to a total prohibition.

In the Report from the Secretary of State, a drawback is contemplated of the duties on all foreign articles, used by the seamen employed in the fishing trade, such as coffee, rum, &c.; but we ask it on the salt alone; nor is it asked as a bounty, but merely as a transfer from the hand of the merchant to that of the fishermen.

Mr. WHITE had no objection to give the trade a proper degree of encouragement; but he did not relish the idea of granting bounties; if any gentleman would prepare an amendment, so as to make them drawbacks in fact, as well as in words, he would consent to the measure.

Mr. AMES, after some introductory observations, adverted to the necessity of fixing some point in which both sides would agree. Disputes, he said, could not be terminated—or, more properly, they could not be managed at all, if some first principles were not conceded. The parties would want weapons for the controversy.

Law is in some countries the yoke of Government, which bends or breaks the necks of the people; but, thank Heaven, in this country, it is a man's shield—his coat of mail—his castle of safety. It is more than his defence: it is his weapon to punish those who invade his rights—it is the instrument which assists—it is the price that rewards his industry.

If I say that fishermen have equal rights with other men, every gentleman feels in his own bosom a principle of assent. If I say that no man shall pay a tax on sending his property out of the country, the Constitution will confirm it; for the Constitution says, *no duty shall be laid on exports*. If I say, that on exporting dried fish, the exporter is entitled to drawback the duty paid on the salt, I say no more than the law of the land has confirmed. Plain and short as these principles are, they include the whole controversy. For I consider the law allowing the drawback as the right of the fishery; the defects of that law as the wrong suffered, and the bill before us as the remedy. The defects of the law are many and grievous. Supposing 340,000 quintals exported—

The salt duty is - - - - -	\$42,744
The drawback is only - - - - -	34,000
Loss to the fishery - - - - -	8,744
Whereas Government pays \$45,900, at 13½ cents, including charges, which are 3¼ cts. on a quintal: which is beyond what the fishery receives - - - - -	11,900
Being a clear loss to the Government of - - - - -	3,156

So that though the whole is intended for the benefit of the fishery, about one-fourth of what is paid is not so applied: there is a heavy loss both to Government and the fishery. Even what is paid on the export is nearly lost money; the bounty is not paid till the exportation, nor then, till six months have elapsed; whereas the duty on salt is

paid before the fish is taken: it is paid to the exporter, not to the fisherman. The bounty is so indirect, that the poor fisherman loses sight of it. It is paid to such persons, in such places, and at such periods, as to disappoint its good effects; passing through so many hands, and paying so many profits to each, it is almost absorbed. The encouragement, too, is greatest in successful years, when least needed; and is least in bad fishing seasons, when it is most needed. It is a very perplexed, embarrassing regulation to the officers of Government and to the exporter; hence the great charge: and, with all this charge and trouble, it is liable to many frauds. Four hundred miles of coast, little towns, no officer. All these defects the bill remedies; and, besides, gives the money on condition that certain regulations are submitted to, which are worth almost as much as the money.

The bill is defended on three grounds. First, it will promote the national wealth; second, the national safety; third, justice requires it: the last is fully relied on.

To show that the fishery will increase the wealth of the nation, it cannot be improper to mention its great value. The export before the war brought more than a million of dollars into this country; probably it is not less at present, and no small part in gold and silver. It is computed that thirty thousand persons, including four thousand seamen, subsist by it. Many say, very composedly, if it will not maintain itself, let it fall. But we should not only lose the annual million of dollars which it brings us, an immense capital would be lost. The fishing towns are built on the naked rocks, or barren sands, on the side of the sea. Those spots, however, where trade would sicken and die—which husbandry scorns to till—and which Nature seems to have devoted to eternal barrenness, are selected by industry to work miracles on. Houses, stores, and wharves, are erected, and a vast property created, all depending on this business. Before you think it a light thing to consign them to ruin, see if you can compute what they cost; if they outrun your figures, then confess that it would be bad economy, as well as bad policy, to suffer rival nations to ruin our fishery. The regulations of foreign nations tend to bring this ruin about. France and England equally endeavor, in the language of the Secretary of State, to mount their marine on the destruction of our fishery. The fishers at Newfoundland are allowed liberal bounties by the English Government; and, in the French West Indies, we meet bounties on their fish and duties on our own, and these amount to the price of the fish. From the English islands we are quite shut out; yet such is the force of our natural advantages, that we have not yielded to these rivals. The Secretary of State has made these statements in his Report.

The more fish we catch the cheaper; the English fish will need a greater bounty: whereas if we should yield, the English would probably need no bounty at all; they would have the monopoly. For example; suppose the English can fish at two dollars the quintal—we catch so much that we sell at one dollar and two-thirds: the loss to them

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is one-third of a dollar on each quintal. They must have that sum as a bounty. Whereas, if we increase our fishery, a greater and a greater bounty is needed by foreign nations. The contest so painfully sustained by them must be yielded at last, and we shall enjoy alone an immense fund of wealth to the nation, which Nature has made ours; and though foreigners disturb the possession, we shall finally enjoy it peaceably and exclusively. If the lands of Kentucky are invaded, you drive off the invader; and so you ought. Why not protect this property as well? These opinions are supported by no common authority. The State of Massachusetts having represented the discouragements of the fishery, the subject has received the sanction of the Secretary of State; he confirms the facts stated in the petition; he says it is too poor a business to pay anything to Government.

Yet, instead of asking bounties, or a remission of the duties on the articles consumed, we ask nothing but to give us our own money back, which you received under an engagement to pay it back, in case the article should be exported. If nothing was in view, therefore, but to promote national wealth, it seems plain that this branch ought to be protected and preserved; because, under all the discouragements it suffers, it increases, and every year more and more enriches the country, and promises to become an inexhaustible fund of wealth.

Another view has been taken of the subject, which is drawn from the naval protection afforded, in time of war, by a fishery. Our coasting and foreign trade are increasing rapidly; but the richer our trade becomes, the better prize to the enemy: so far from protecting us, it would be the very thing that would tempt him to go to war with us. As the rice and the tobacco planter cheerfully pay for armies, and turn out in the militia to protect their property on shore, they cannot be so much deceived as to wish to have it left unprotected when it is afloat; especially when it is known that this protection, though more effectual than the whole revenue expended on a navy could procure, will not cost a farthing; on the contrary, it will enrich while it protects the nation. The coasters and other seamen, in the event of a war, would be doubly in demand, and could neither protect themselves nor annoy the enemy to any considerable degree; but the fishermen, thrown out of business by a war, would be instantly in action. They would, as they formerly did, embark in privateers; having nothing to lose, and everything to hope, they would not dishonor their former fame. Their mode of life makes them expert and hardy seamen. Nothing can be more adventurous. They cast anchor on the banks, three hundred leagues from land, and with a great length of cable ride out the storms of winter. If the gale proves too strong they often sink at their anchors, and are food for fish which they came to take: forever wet, the sea almost becomes their element. Cold and labor, in that region of frost, brace their bodies, and they become as hardy as the bears on the islands of ice: their skill and spirit are not inferior: familiar with danger, they

despise it. If I were to recite their exploits, the theme would find every American heart already glowing with the recollection of them; it would kindle more enthusiasm than the subject has need of. My view is only to appeal to facts, to evince the importance of the fishery as a means of naval protection. It is proper to pass over Bunker's Hill, though memorable by the valor of a regiment of fishermen; nor is it necessary to mention, further, that five hundred fishermen fought at Trenton.

It is known, that the privateers manned by fishermen, in want of everything, not excepting arms, which they depended on taking from their enemies, brought into port warlike stores of every kind, as well as every kind of merchandise sufficient for the army and the country: the war could not have been carried on without them. Among other exploits almost beyond belief, one instance is worth relating: these people, in a privateer of sixteen guns, and one hundred and fifty men, in one cruise, took more than twenty ships, with upwards of two hundred guns, and nearly four hundred men. The privateers from a single district of Massachusetts, where the fishery is chiefly seated, took more than two thousand vessels, being one-third of the British merchant vessels, and brought in near one thousand two hundred. An hundred sail of privateers, manned by fishermen, would scour every sea in case of a war.

Some gentlemen think of a navy: but what navy could do more? What nation would provoke a people so capable of injuring them? Could fifty ships of the line afford more security? and yet this resource of the fishery, always ready, always sufficient, will cost nothing. The superior naval force of our foes should not discourage us; our privateers would issue like so many swordfish to attack the whale. I leave these observations to their weight, and forbear to press them further; strong as I think them, I rest my support of the bill on another ground. I will only ask whether you will oppress, if you will not encourage them? Whether, if you will not give them the money of the public, you will partially seize their own? This is all they ask. If your policy demands for them so much, will your justice deny them so little?

I have repeatedly asserted that the bill will not cost the public a farthing; you only take the money which the fishery brings into the Treasury for the salt duty, and pay the same, or a less sum, back in bounties, instead of a drawback on the exportation of the fish. Here I rest the argument. Before I adduce my proofs, I cannot forbear to lay open the state of my mind. I rely on the truth of the facts I propose to offer. I rely on the proof of them, being as near demonstration as the nature of the case will admit. I make no doubt of the good sense and good intentions of the gentlemen whom I wish to convince; and yet I am sorry to say I am far from being sanguine in the hope of gaining a single vote for the bill. I will explain my meaning, and then I think no gentleman will take exception at it. This debate depends on calculation. In print or writing, or in private conversation, figures have the advantage of every

other mode of investigation: the mind is fixed to a point, and made to perceive it clearly. But in public debate it is otherwise. Figures not only disgust attention, but, as the mind cannot carry them along, they confound it; they make a plain thing look mysterious, and bring it into suspicion. When I ask of the Committee a hearing, and it is granted, I get nothing: I want a close attention; and I have to beg, and earnestly too, that gentlemen will not trust their first opinions and vote against the bill, without condescending to receive and to weigh the facts and calculations of its advocates.

The first question is, how much does Government receive by the duty on the salt used in curing the fish which is exported? The quantity of fish must be known. Several ways of information are to be explored. The Secretary of State supposes the fish of 1790 to be 354,276 quintals. A Treasury return of fish exported from August 20, 1789, to September 30, 1790, which is thirteen and one-third months, is 378,721 quintals. For a year, equal to 340,849 quintals.

Foreign dried fish imported from August 15, 1789, to August 1790, 3,701 quintals; five per cent. drawback thereon is only three hundred and ten dollars, at one dollar and sixty-six cents per quintal. Mr. GILES is mistaken in supposing that foreign fish deducts \$16,000 from our estimate. Return of fish in seven months, from May 30, to December, 1790, exported, all fish of the United States, 197,278 quintals: which, for a year, is 338,184 quintals. The medium may be fairly taken for the time past at 340,000 quintals a year.

Six gentlemen of Marblehead certify, that 5,043 hogsheads, or 40,344 bushels of salt, were used on 38,497½ quintals; which, for 340,000 quintals, gives 356,200 bushels. The duty, at twelve cents, is \$42,744, which Government receives. But the charge to the United States is, at thirteen and a half cents per quintal - - - \$45,900
Whereof the fishery receives ten cents on each quintal exported - - - 34,000

Charges as the law stands - - - 11,900

Further, this is but an estimate made up from what the last year proved. The next may be very different, and probably it will be. If more money should be demanded than \$44,000, we must not be accused of misleading Congress. But in that case an increase would be made by law; for the more fish is exported the more thirteen and a half cents must be paid; so that the bill creates no burden in that way. But the increase of the export of fish will probably operate in favor of Government. For it is known that the economy, skill, and activity of the fishery are making progress. Its success has progressed. The more fish to a vessel, the cheaper the allowance on the tonnage. Therefore, the tonnage of vessels will not increase in a ratio with the increase of the fish.

The very objections prove this. For they deem the encouragement too great. But any encouragement must have the effect.

The difference of the agreements for distributing the fish according to the present practice, or by

this bill, makes a great one in the quantity taken. The bill reforms the practice in this point. Marblehead vessels take less than those from Beverly. The former throw the fish into a common stock, which is afterwards divided upon a plan very unfriendly to exertion. A man works for the whole—perhaps twelve hours, and they take about eight hundred quintals to a vessel. But in Beverly, the exertion is as great as can be made; eighteen hours a day, because each man has what he catches, and they catch eleven hundred quintals.

Marblehead seamen sailing from other towns, and dividing as last mentioned, which the bill establishes, seldom fail to catch two or three hundred quintals more than vessels and men from Marblehead on the first plan. Accordingly, I assert on good authority, that the increase in Marblehead, only may be computed at fifteen thousand quintals, merely in consequence of the reform by the bill. The best informed persons whom I have consulted, entertain no doubt that the export in case the bill should pass, would not be less than four hundred thousand quintals, probably more; but at four hundred thousand quintals, it would add seven thousand two hundred dollars more to the salt duty; a sum more than equal to any estimate of the actual tonnage, or any probable increase of it

- - - - - \$42,744

7,200

Salt duty on 400,000 quintals - - - 49,944
Other facts confirm the theory, that skill and exertion are increasing in this business.

In 1775, 25,000 tons, 4,405 seamen. Fish sold for \$1,071,000. In 1790, three-fourths of the seamen and three-fourths of the tonnage take as much fish. It is owing to this that our fishery stood the competition with foreign nations.

Finally, the average in future may be relied on not to be less than 350,000 quintals.

Salt duty on which - - - \$43,944
Bounties - - - - - 44,000

Wanted - - - - - 56
The calculation first made will answer the purpose,

340,000 quintals pay salt duty - - - \$42,744
Tonnage bounty - - - - - 44,000

Wanted - - - - - 1,256

This is the mighty defect. Observe the authentic return of the export of fish may be, and we can almost prove it to be, below the future export. Whereas to banish all doubt we go to the top of the scale for the tonnage, we take what we know to be the utmost. This we might have represented more favorably if we had chosen to conceal any thing. But even this will answer our purpose.

For two hundred tons are wanting in the estimate of the bounties, being nineteen thousand eight hundred, not twenty thousand, which will take off one third of the deficient sum.

The tonnage over sixty-eight, which receives nothing, is not mentioned; and which probably is not less than another third.

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The boats under five tons though trifling are to be noticed—they receive nothing.

But, above all, the chances of non-compliance with the regulations are in favor of the remainder of the twelve hundred and fifty-six dollars being stopped. Boats may not get twelve quintals to the ton, or vessels may have their voyages broken up, and not stay four months on the fishing ground, in either case they would receive nothing. Take all these together, is it not to be doubted that twelve hundred and fifty-six dollars will remain of the forty-four thousand in the Treasury?

But these are trifles which I cannot believe gentlemen are anxious about.

For the event cannot be reduced to a certainty. What quantity of fish will be exported, no man can tell now. But as Government may receive more than it will pay, the chance may turn the other way, and it may have to pay a few hundred dollars more than it will have received. We have seen that the chance is most in favor of Government. But one chance must balance the other. This answer is sincerely relied on as a good one.

I barely mention that the wear of cordage, cables, sails, and anchors, is very great. These articles on being imported, pay duties. So that it is probable the extra duty paid by the fishery on their extra consumption, will over balance any little sums supposed to exceed in the bounty.

It has been asked, as if some cunning was detected, why if the money received in the Treasury to pay the drawbacks is equal to the proposed bounties, a further appropriation should be made? This cunning question admits of several very simple answers.

The bill being for seven years, the average product is the proper sum to be calculated. But the three first years may fall short of the bounties, say two thousand dollars a year, which is six thousand dollars.

The four last may exceed two thousand dollars, say eight thousand dollars.

Shall a poor fisherman wait for the whole, or if he takes his part according to the money in the Treasury—for a twenty-fourth part of the bounty on his vessel, from 1792 to 1795?

2d. This delay would happen after a bad year, the very time when he would most need prompt pay.

3d. But fish taken this year will not be exported till December next. Therefore the money will not be stopped by the drawback as the law stands, till six months after.

A substitute has been proposed for the clause, to appropriate the drawback only.

This is absolutely improper. For the ten cents allowed as drawback is but a part of the duty paid on salt. It is not easy to see any reason why a part stopped at the Treasury should be equal to the whole paid there long before. The drawback falls near nine thousand dollars short of the salt duty received by the Government. The expense of the drawback would be very heavy and useless.

Nor may gentlemen apprehend that Government, by paying next December, will advance money to the fishery. The salt duty will have

been paid, and Government will have the use of the money many months before the fishermen will have a right to call for the bounties.

It is left to the candor of the gentlemen who have urged this objection, whether a better or further answer is desired.

After having laboriously gone through the estimate of the probable export of fish, it will not be necessary to be equally minute as to the quantity, or kind of vessels which are to receive the bounty.

The estimate we believe to be very high. That it is high enough, we suppose very probable from the estimate of the Secretary of State, which is only nineteen thousand one hundred and eighty-five tons.

This mode of paying the bounty on the tonnage is very simple and safe. The measurement is already made and costs nothing; and as it was made to pay a duty on tonnage, we are very sure that Government will not be cheated by an over-measure. The mode of paying the drawback, as the law now stands, is expensive, perplexed and embarrassing; liable to frauds and delays.

This intricate and disgusting detail of calculations was necessary to satisfy the Committee that each of the three grounds of defence on which the bill rests, is tenable.

Instead of impoverishing the nation by scattering the treasures of the whole to benefit a part, it appears that we are preserving mine of treasure. In point of naval protection, we can scarcely estimate the fishery too highly. It is always ready, always equal to the object; it is almost the only sufficient source of security by sea. Our navigation is certainly a precious interest of the country. But no part of our navigation can vie with the fishery in respect to the protection it affords. There is no point which regards our national wealth or national safety, in respect to which it seems practicable to do so much with so little.

We rely on the evidence before you, that the public will not sustain the charge of a dollar. Those ought not to doubt the evidence who cannot invalidate it. If then the fishermen ask you to restore only their own money, will you deny them? Will you return to every other person exporting dutied goods the money he has paid, and will you refuse the poor fisherman?

If there must be an instance of the kind, will you single out for this oppressive partiality, that branch which is described by the Secretary of State as too poor even to bear its own part of the common burden? That branch which nevertheless has borne the neglect of our nation, and the persecution of foreign prohibitions and duties. A branch which, though we have received much and expect more, both of money and services, urges no claims but such as common justice has sanctioned.

Mr. GERRY having moved to strike out the words "bounty allowed" in order to insert *allowance made*, by way of accommodation,

Mr. MURRAY observed, that the question was, whether a bounty should be given for the encouragement of the fishery: the amendment proposed by the gentleman from Massachusetts [Mr. GERRY]

RY] did not alter the principle—it was still “*the old cocked hat*” on the one hand, and on the other, “*the cocked old hat*.” the gentleman from Pennsylvania [Mr. FITZSIMONS] had asserted, that Congress have a right to alter the drawbacks, and allow them in any other mode, by which the citizens may receive back their own money; but this is not a case of that nature; for the bill says, “in case the moneys appropriated (*for the payment of the duties*) shall be inadequate, the deficiency shall be supplied from the Treasury;” here the Treasury is pledged for the payment of the bounties; and the question is, not on the principle of changing the drawback, but the giving encouragement to a particular branch, at the expense of the community at large.

Mr. BARNWELL observed, that those who are best acquainted with the fisheries, look on the proposed mode of encouragement as the best; and that they ought to be allowed to use the gifts of the public in the most advantageous manner: that, if he were himself concerned in the cultivation of any particular commodity, for the encouragement of which a sum were granted, he would be much surprised to meet a refusal, in case he should come forward, and propose some more effectual mode of applying that grant: that even if the bounties should happen to exceed the drawbacks, by eight or ten thousand dollars, the number of seamen to be maintained would be well worth that sum: that whenever the two Houses of Congress and the President of the United States are of opinion that the general welfare will be promoted by raising any sum of money, they have undoubted right to raise it, provided that the taxes be uniform; that although it may not at present be an object of great consequence to America to become a maritime power, yet it is of some importance to have constantly at hand a nursery of seamen, to furnish our merchants with the means of transporting their commodities across the sea; that, whatever allowance or bounty is granted upon any particular commodity, must ever be paid by the whole, for the advantage of a part, whether it be upon cotton to the Southward, upon fish to the Eastward, or upon other commodities to the middle States; that, if the people cannot have so much confidence in their Representatives, as to trust them with the power of granting bounties, the Government must be a very paltry one indeed. The object of the bill was only to allow to the fishermen, in the manner that would be most beneficial to them, the same sum, that would otherwise be allowed. If, however, from time and experience, it should appear that this bounty proved an imposition on Government, he would not hesitate to revoke it.

Mr. GERRY.—The State of Massachusetts asks nothing more than equal justice. We do not come forward to request favors from the United States; we only wish that the same system which is applied to other parts of the Union, may be applied to us. But, in examining this question, we wish that gentlemen would not make distinctions which will not admit of a difference.

The proposed allowance has been called a bounty on occupation, and is said to be very different from

that encouragement, which is the incidental result of a general commercial system; but in reality it is no bounty: a bounty is a grant, made without any consideration whatever, as an equivalent; and I have no idea of a bounty, which admits of receiving from the person, on whom it is conferred, the amount of what is granted. We have imposed a duty on salt, and thereby draw a certain sum of money from the fishermen: the drawback is, in all instances, the amount of the money received; this is all we ask; and we ask it for a set of men who are as well entitled to the regard of Government as any other class of citizens.

It has been supposed, that the allowance, made to the fishermen, will amount to a greater sum than the drawback on the exportation of the fish; but I think it has been clearly shown that this will not be the case: on the contrary, it is presumable, that the drawback on the fish would on the whole exceed the sum which is proposed to be allowed to the fishermen; sometimes it might be more, sometimes less. The calculation is made on general principles; and it is impossible to calculate to a single cent: the quantity of salt to be expended on the fish, cannot be minutely ascertained; but this was not heretofore considered as a sufficient reason why Congress should refuse to allow the drawback; they allowed it, though in a different shape. It is now proposed to make a further commutation: gentlemen call this a bounty on occupation; but is there any proposition made for paying to the fishermen, or other persons concerned in the fishery, any sums which we have not previously received from them? If this were the case, it would indeed be a bounty; but if we beforehand receive from them as much as the allowance amounts to, there is no bounty granted at all.

If, however, it really was a bounty on occupation, it would after all be only an indulgence similar to what has been granted to the landed and agricultural interest. We have laid on hemp a duty of fifty four cents per hundred weight; and on beer, ale, and porter, five cents per gallon. Now, I ask gentlemen, whether the professed design of those duties was to raise a revenue, or to prevent the importation of those articles? they were laid for no other purpose, than to prevent foreigners from importing them, and thereby to encourage our own manufactures; and was not that encouragement a bounty to the persons concerned in producing such articles in this country? If the duties had not been laid, the importer could sell much cheaper than he now can; and the landed interest would be under a necessity of selling cheaper in proportion. If those prohibitory duties operate as a bounty in favor of raising hemp, and of brewing beer, ale, and porter, I ask, whether, if a bounty were proposed on every quintal of fish, it might not, with the same propriety, be granted? If we have not a right to grant a bounty in the one case, we have as little right to grant it in the other.

A calculation has been offered to show that the proposed allowance will exceed the amount of the present drawbacks, by ten thousand dollars a year; but that calculation has been proved to

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be erroneous. Suppose, however, that this was the fact, what comparison is there between such a tax on the citizens of the United States, and the tax borne by the citizens of Massachusetts, for the defence of the Western frontier? A commercial war is waged against the American fisheries, by foreign nations, who lay heavy duties on the American fish, and apply the produce of those duties in bounties to their own fishermen; and their fisheries being less extensive than ours, the duty thus imposed on our fish, and bestowed in bounties to their vessels, operate in a two-fold proportion to the discouragement of our fishermen, and the encouragement of theirs.

I wish to know on what principle gentlemen can expect, that the citizens of Massachusetts should contribute two hundred thousand dollars, or perhaps a greater sum, for the protection of the Western frontier against the Indians, when no contribution is made to support the commerce of Massachusetts, which, without this support, will be as effectually ruined, as if their vessels were captured by an enemy. The principle is carried farther with respect to the protection of the frontier: we have voted large sums as presents to the savages, to keep them friends to the Frontier settlers: there is, however, no clause in the Constitution that will authorize a measure of this kind: it is true, indeed, we have a power to regulate trade and commerce with the Indian tribes; but does that give us a power to render the United States tributary to the savages? and if we make them such grants every year, do we not in fact become tributary to them?

The gentleman from Virginia [Mr. GILES] says, that although this plan of encouraging the fisheries may be wise policy in Britain, as being on all sides surrounded by the sea, yet the United States will not equally find their account in pursuing the same plan. The State of Virginia is, in point of exposure from the sea, very differently circumstanced from the State of Massachusetts: we have a vast extent of country, four hundred and fifty miles of sea coast, exposed: the citizens of all the towns along the coast are obliged to pursue marine occupations; and I hope the gentleman does not wish that the country should be depopulated, and the inhabitants driven off to settle the Western territory.

The State of Virginia is very happily circumstanced with respect to a marine war: should such an event take place, that State is pretty secure from depredations; but when we consider how much the inhabitants of Massachusetts are exposed in a case of that kind, we ought to look forward, and make some provision for their defence: they have as good a right to expect that Government will make some arrangements for their protection, as that they shall be obliged to contribute for the defence of the Western frontier.

But their commerce, it seems, must not be supported! Taxes however must be laid: and those taxes applied to encourage the former, and to bribe the Indians into peace! Is this fair? Is this pursuing a liberal system of politics? Will this reconcile the minds of our people to the General Government? If so reasonable a proposition be

neglected by the House, it will convince the citizens of that State, that it is the object of Government to destroy their commerce, and to make them entirely dependent on the agricultural interest.

Here Mr. GERRY read a statement, to show the diminution of the revenue in consequence of the failure of the fisheries; and added,

To support the fishery, is to support the revenue: by that staple, the citizens of Massachusetts are enabled to pay the revenue that is expected from them: and, by an attempt to save ten thousand dollars, Government will probably sacrifice a hundred thousand; and besides, lose the confidence of the citizens of that State.

The only question now is, whether this be a direct bounty, or simply a commutation of the allowance already granted by Congress? If the latter be the case, I can see no reason why we should refuse our assent to a proposition, which is only calculated to do justice to the people concerned, and to give encouragement to a very important branch in the United States; especially as the proposition will even have a tendency to increase the revenue.

Mr. WILLIAMSON.—It has been urged with great propriety, in favor of the bill now submitted to our consideration, that the operation of our laws should in all cases tend to encourage useful industry; that while we are giving back the duties on all other foreign goods which are exported, it would be unjust and cruel to refuse a full drawback of the duties on salt which may be exported, especially when the circumstances of its exportation are attended with an increase of riches and strength to the nation. Impressed as I am with the force of these arguments, and desirous as I am to protect and encourage the native seamen of America, by all prudent, practicable, and constitutional means, I shall nevertheless find it my duty to vote for striking out the first section of the bill, because it proposes to give a bounty for the encouragement of the vessels employed in the fisheries.

We have been told that the name is improper; that it is simply a drawback of the duty upon salt; and gentlemen have produced a very ingenious calculation, by which they attempt to prove, that in some years it may happen that the whole duty on the salt will not be repaid; but they admit that in some years the drawback or bounty will exceed the duty. It is certainly their opinion—and in this we are perfectly agreed—that the money to be paid will be more than that received, else there had been no use for so large an appropriation. We shall not trouble the Committee with calculations on this subject. It is conceded, that the encouragement to be given, probably will exceed the full drawback of the duty on salt. In other words, a *douceur* or a proper bounty is to be given: let us call it one thousand dollars per annum. Is it within the powers of this Congress to grant bounties? I think not; and on this single position I would rest the argument.

In the Constitution of this Government there are two or three remarkable provisions, which seem to be in point. It is provided, that direct

taxes shall be apportioned among the several States according to their respective numbers. It is also provided, that all duties, imposts, and excises, shall be uniform throughout the United States; and it is provided, that no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another. The clear and obvious intention of the articles mentioned was, that Congress might not have the power of imposing unequal burdens; that it might not be in their power to gratify one part of the Union by oppressing another. It appeared possible, and not very improbable, that the time might come, when, by greater cohesion, by more unanimity, by more address, the Representatives of one part of the Union might attempt to impose unequal taxes, or to relieve their constituents at the expense of other people. To prevent the possibility of such a combination, the articles that I have mentioned were inserted in the Constitution. Suppose a poll-tax should be attempted; suppose it should be enacted that every poll in the Eastern States shall pay a tax of half a dollar, and every poll in the Southern States should pay a tax of one dollar. Do you think we should pay the tax? No, certainly. We should plead the Constitution, and tell you that the law was impotent and void.

But we have been told, that Congress may give bounties for useful purposes; that is to say, they may give bounties for all imaginable purposes; because the same majority that votes the bounty will not fail to call the purpose a good one. Establish the doctrine of bounties, and let us see what may follow. Uniform taxes are laid to raise money, and that money is distributed—not uniformly; the whole of it may be given to the people in one end of the Union. Could we say, in such a case, that the tax had been uniform? I think not. There is, certainly a majority in this House who think that the nation would be stronger and more independent, if all our labor was performed by free men. This object might be promoted by a bounty. Let a poll-tax be laid, according to the Constitution, of one dollar per poll: in this case, sixty cents must be paid for each slave; and the number of slaves being 680,186, their tax would amount to \$334,911. To encourage the labor of citizens, let Congress then give an annual bounty of one dollar to every free man who is a mechanic, or who labors in the field. We might be told that the bounty was small, and the object was good; but the measure would be most oppressive, for it would be a clear tax of rather more than three hundred thousand dollars on the Southern States.

Perhaps the case I have put is too strong—Congress can never do a thing that is so palpably unjust—but, this, sir, is the very mark at which the theory of bounties seems to point. The certain operation of that measure is the oppression of the Southern States, by superior numbers in the Northern interest. This was to be feared at the formation of this Government, and you find many articles in the Constitution, besides those I have quoted, which were certainly intended to guard us against the dangerous bias of interest, and the power of numbers. Wherefore was it provided

that no duty should be laid on exports? Was it not to defend the great staples of the Southern States—tobacco, rice, and indigo—from the operation of unequal regulations of commerce, or unequal indirect taxes, as another article had defended us from unequal direct taxes?

I do not hazard much in saying, that the present Constitution had never been adopted without those preliminary guards in it. Establish the general doctrine of bounties, and all the provisions I have mentioned become useless. They vanish into air, and like the baseless fabric of a vision, leave not a trace behind. The common defence and general welfare, in the hands of a good politician, may supercede every part of our Constitution, and leave us in the hands of time and chance. Manufactures, in general, are useful to the nation; they promote the public good and general welfare. How many of them are springing up in the Northern States? Let them be properly supported by bounties, and you will find no occasion for unequal taxes. The tax may be equal in the beginning—it will be sufficiently unequal in the end.

We are told, that a nursery of seamen may be of great use to the nation, and the bounty proposed is a very small one. These, sir, are the reasons why I have marked this as a dangerous bill; the most dangerous innovations are made under these circumstances. To begin with a great bounty would be imprudent, and to give a small bounty for a doubtful purpose, might deserve a worse epithet. Half a million of dollars per annum would have been too much for a beginning, and perhaps a bounty on the use of sleighs, though they are convenient for traveling in winter; or a bounty on stone fences, though they are durable, would not at this time be prudent. The object of the bounty, and the amount of it, are equally to be disregarded in the present case; we are simply to consider whether bounties may safely be given under the present Constitution. For myself, I would rather begin with a bounty of one million per annum than one thousand. I wish that my constituents may know whether they are to put any confidence in that paper called the Constitution.

You will suffer me to say, that the Southern States have much to fear from the progress of this Government, unless your strength is governed by prudence. The operation of the funding system has translated at least two millions of dollars from the Southern States, that is to say, from Georgia, the Carolinas, and Virginia, to the Northern States. The interest of that sum, when it shall be six per cent., will be \$120,000; but the quota of those States is at least one-third of the whole; whence it follows, that they must pay forty thousand dollars every year, in the form of interest to the Northern States. This, it seems, is not sufficient, and other measures are to be adopted for draining the Southern States. Bounties to promote the general welfare are already brought forward. We shall not hear of a bounty for raising rice, or preparing naval stores. If that was the question, the general welfare would not have such prominent features. Unless the South,

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ern States are protected by the Constitution, their valuable staples, and their visionary wealth, must occasion their destruction. Three short years has this Government existed—it is not three years—but we have already given serious alarms to many of our fellow-citizens. Establish the doctrine of bounties, set aside that part of the Constitution which requires equal taxes and demands similar distributions, destroy this barrier, and it is not a few fishermen that will enter, claiming ten or twelve thousand dollars, but all manner of persons—people of every trade and occupation—may enter at the breach, until they have eaten up the bread of our children.

Perhaps I have viewed this project in too serious a light; but if I am particularly solicitous, on the subject of finance, that we do not even seem to depart from the spirit of the Constitution, it is because I wish that the Union may be perpetual. The several States are now pretty well relieved from their debts, and our fellow-citizens in the Southern States have very little interest in the national funds; press them a little with unequal taxes, and the remedy is plain.

While I would shun bounties, as leading to dangerous measures, I am not inattentive to every argument that has been advanced by the honorable member who first rose in defence of the bill. That gentleman tells us, that more than a bushel of salt is used in curing a quintal of fish. If this fact be established, the former act should be amended, by giving a greater drawback. He says the drawback, as it is now paid to the merchant, does not operate so as to encourage the seamen, who have most need of such assistance. This is very probable, and the parties may be relieved by dividing the drawback in the very manner that is proposed by the bill. If it is true that the proposed bounties will not exceed the average of the drawback that should be paid on salt, why do they contend about names, unless they are solicitous about the precedent? If our object is to encourage industry, and to increase our commerce, by sending fish to a foreign market, we must adhere to the drawback; for, according to the terms of the bill, the bounty is to be paid, though every fish that is caught should be consumed in the country; in which case we should be paying a visionary drawback, when nothing was exported. According to the terms of the bill, there is no proportion between the labor and the reward, so far as the bank fishery is concerned; the bounty in all cases being the same.

Having exercised your patience in objecting to this new system of bounties, and having hinted on some objections to the general operations of the bill, so far as industry and enterprise may be desired, I shall, in a few words, submit the outline of a plan that seems to comprehend all the useful parts of the bill, without any speculation upon bounties.

If the drawback on dried fish exported, is not equal to the duty on the salt used in curing such fish, let the drawback be increased to eleven cents or twelve cents, as the case may be. Let us suppose that the drawback for the next year will be equal to the drawback on the last year; and let

that sum of money, being the expected drawback, be divided between the seamen and owners, according to the terms of the bill. The accounts must be made up annually. If the drawback exceeds the allowance that had been made, the difference will be considered as advanced to the fishery, and the allowance for the next year must be somewhat reduced, according to the actual amount of the drawback. If the fishermen are more fortunate, or more active, and the exports are increased, the allowance for the next year must be raised. The rule being fixed by law, all that remains, being pure calculation, may be done from year to year by the Executive. Every important object of this bill, that has been presented to our view, may be obtained by safe and constitutional steps. Why should a man take a dangerous and a doubtful path, when a safe one presents itself? If nothing more is desired than to regulate and protect the fishery, the bill may be altered and accommodated to that purpose. If the theory of bounties is to be established, by which the Southern States must suffer while others gain, the bill informs us what we are to expect.

The Committee now rose, without taking any question.

MONDAY, February 6.

A member from Maryland, to wit: JOHN FRANCIS MERCER, returned to serve in the room of WILLIAM PINKNEY, resigned, appeared, and took his seat in the House.

A petition of the tanners of the town of Newark, in the State of New Jersey, was presented to the House and read, stating the inconveniences they suffer from the erection of mills for the purpose of grinding tanners' bark for exportation, and praying that Congress will adopt such measures for their relief as may appear just and right. Ordered to lie on the table.

THE COD FISHERIES.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for the encouragement of the Bank and other Cod-Fisheries, and for the regulation and government of the fishermen employed therein."

Mr. GOODHUE.—The gentleman last up [Mr. WILLIAMSON] says, that an appropriation of money being made by the bill now before us, and the Treasury standing pledged for the payment, therefore a direct bounty is granted. At present, we pay in drawbacks about \$45,000; but we cannot say that this sum will be adequate to the payment of the drawbacks next year; for, if a greater quantity of fish be taken, a greater sum, of course, must be allowed; and, as the sum depends entirely on the quantity of fish, it is impossible to ascertain beforehand the precise amount. There is not, however, in the whole bill, anything of a bounty, except the bare name. The gentleman allows that we may commute the present drawbacks, and give them to the fisherman instead of the merchant; but it is impossible to do this with safety, in any other mode than that pointed out in the

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bill. Shall we leave it to the fisherman, to be determined by his oath? This would not be advisable.

The plan proposed is a much less exceptionable one. It is founded on a calculation that a certain quantity of tonnage is employed in taking a certain quantity of fish. On this calculation the allowance is apportioned to the tonnage. If gentlemen think the allowance too high, let the sum be reduced; but let it not be stigmatized as a bounty. It is no such thing. The word "bounty" is an unfortunate expression, and I wish it were entirely out of the bill.

Mr. LIVERMORE.—The bill now under consideration has two important objects in view. The one is, to give encouragement to our fishermen, and, by that encouragement, to increase their numbers; the other is to govern those fishermen by certain laws, by which they will be kept under due restraint. Both these objects are of great importance to such persons as choose to employ their capitals in the fishery business. And I believe it will not be disputed that the business itself is of considerable importance to the United States, inasmuch as it affords a certain proportion of remittance or exportation to foreign countries, and does not impoverish the country, but enriches it by the addition of so much wealth drawn from the sea.

It is the object of those gentlemen who favor the bill that the fishermen should have some encouragement, not given to them at the expense of the United States, but directed to them out of what was in the former law, called a drawback of the duty on salt. The calculation, as I understand it, has been made as nearly as possible to give that drawback, not to the merchants who export the fish, but to the fishermen who take it, in order to increase that description of men, without whose assistance it is vain to expect any benefit from the fisheries; for, if the merchants at present engaged in that branch possessed the whole capital of the United States, yet, if they cannot get fishermen, they cannot carry on the fishery. This is done by a particular class of men, who must be not only expert seamen, but also accustomed to taking the fish and curing it. If these men cannot be had, the capital cannot be employed, and those who undertake the business cannot carry it on, or reap any profit from it.

Whilst the drawback is payable only to the merchant who exports the fish, it is impossible to convince the fishermen that they reap from it any advantage whatever; or, if the more discerning among them do perceive any advantage in it, the others who are not so clear-sighted cannot discern it, and are therefore not disposed to undertake the business. It is, however, of considerable importance to the merchants that the fisherman should receive a proper encouragement, even if they were obliged to allow him a bounty out of their own pocket.

The government of the fishermen, after their engagement in this business, is also necessary to be provided for; otherwise, frequent instances may occur among that class of men of quitting one vessel to embark on board another, or of shipping

themselves for a foreign voyage, before the expiration of the fishing season. In the latter case, the vessel lies useless on the owner's hands, and he, together with the whole expense of the outfit, loses all his prospects of future gain.

The two objects here mentioned are fully provided for in the bill. Still, however, it is objected to. But what is the objection? It is, that the word "bounty" is twice used in this clause. Let us now see what advantage will result from striking out this obnoxious "bounty." None at all. The bill says it shall cease; and have gentlemen any objection to the bounty's ceasing? Since the bounty is to cease by this bill, what advantage in striking it out? The sense would still remain the same; and I do not know why we should make a law expressly to strike out the word "bounty," but to strike out the bounty itself.

It is strange to me that any gentleman, whether he is for giving a great bounty or no bounty at all, should quarrel with this unfortunate word. There is, indeed, one part of the section which I will readily consent to strike out, and I believe every other gentleman who is in favor of the bill will consent to it likewise; and that is the clause which provides that the bounty to be allowed and paid on every vessel, for one season, shall not exceed one hundred and seventy dollars. If, when the vote is taken on the section, there does not appear a majority of the House in favor of striking out the whole, we may then move for striking out the *proviso*, if it be offensive to any gentleman. If it be not offensive, it may remain.

If gentlemen are disputing only because the word "bounty" is in the bill, they may be perfectly relieved from their uneasiness on that score; for the bill expressly says, "that the bounty now allowed upon the exportation of dried fish of the fisheries of the United States shall cease, and, in lieu thereof," a different kind of encouragement is to be given. Here is no reason to dispute about a word. If gentlemen are disposed to consent to the principle of the bill, that the drawback of the duties on salt shall be commuted for a certain sum, to encourage the fishermen, they will vote in favor of the bill; if not, they will vote against it. But it is impossible for me to conceive why any gentleman under Heaven should be against it. It is only fixing, for the merchants engaged in this branch, a clear and equitable ratio for distributing among the fishermen that encouragement which they think necessary in order to attach those people to the business, and to prevent them from going to other occupations on land. The bill is an important one, and will increase that branch of business, which is very useful to the community. It does not lay a farthing of bounty or duty on any other persons than those who are immediately concerned in it. It will serve them, and will not injure anybody.

Mr. LAURANCE said, from examining the section, he conceived it contemplated no more than what the merchant is entitled to by existing laws. The merchant is now entitled to the drawback; but it is found by experience that the effect has not been to produce that encouragement to the fisher-

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men which was expected; and he presumed the way was perfectly clear to give a new direction to the drawback, and this is all that is aimed at in the bill. He supposed that the clause had no necessary connexion with the question which had been started respecting the right of the Government to grant bounties; but, since the question has been brought forward, it may be proper to consider it. In discussing the question, he inquired, What has Congress already done? Have we not laid extra duties on various articles, expressly for the purpose of encouraging various branches of our own manufactures? These duties are *bounties* to all intents and purposes, and are founded on the idea only of their conducing to the *general interest*. Similar objections to those now advanced were not made to these duties. They were advocated, some of them, by gentlemen from the Southward. He traced the effects of these duties, and showed that they operated fully as indirect bounties.

Mr. L. then adverted particularly to the Constitution, and observed that it contains *general* principles and powers only. These powers depend on *particular* laws for their operation; and on this idea, he contended that the powers of the Government must, in various circumstances, extend to the granting bounties. He instanced, in case of a war with a foreign Power, will any gentleman say that the General Government has not a power to grant a bounty on arms, ammunition, &c., should the general welfare require it? The general welfare is inseparably connected with any object or pursuit which in its effects adds to the riches of the country. He conceived that the argument was given up by gentlemen in opposition to the bill, when they admit of encouragement to the fishermen in any possible modification of it. He then adverted particularly to the fisheries, stated the number of men employed, the tons of shipping necessary to export the fish taken, and inferred the sound policy of encouraging so important a branch of business.

Gentlemen say that we do not want a navy. Grant it; but can they say that we shall never have a war with any European Power? May not the time arrive when the protection to the commerce of this country, derived from this source, may be of the utmost necessity to its existence? Adverting to Mr. WILLIAMSON'S objection from the unequal operation of bounties, and who had referred to the article of the Constitution which says that taxes shall be equal in all the States, Mr. L. observed, that this article in the Constitution could only respect the *rates* of the duties, and that the *same* duties should be paid in Virginia that are paid in New York—at the Northward as at the Southward. It surely could not mean that every individual should pay exactly the same sum in every part of the Union. This was a provision that no law could possibly contemplate.

He concluded by a summary recapitulation of his arguments, and saying he hoped the section would be retained.

Mr. MADISON.—In the conflict I feel between my disposition on one hand to afford every constitutional encouragement to the fisheries, and my dislike on

the other, of the consequences apprehended from some clauses of the bill, I should have forborne to enter into this discussion, if I had not found, that over and above such arguments as appear to be natural and pertinent to the subject, others have been introduced which are, in my judgment, contrary to the true meaning, and even strike at the characteristic principles of the existing Constitution. Let me premise, however, to the remarks which I shall briefly offer, on the doctrine maintained by these gentlemen, that I make a material distinction in the present case, between an allowance as a mere commutation and modification of a drawback, and an allowance in the nature of a real and positive bounty. I make a distinction also, as a subject of fair consideration at least, between a bounty granted under the particular terms in the Constitution, "a power to regulate trade," and one granted under the indefinite terms which have been cited as authority on this occasion. I think, however, that the term "bounty," is in every point of view improper as it is here applied, not only because it may be offensive to some, and in the opinion of others carries a dangerous implication, but also because it does not express the true intention of the bill, as avowed and advocated by its patrons themselves. For if, in the allowance, nothing more is proposed than a mere reimbursement of the sum advanced, it is only paying a debt; and when we pay a debt, we ought not to claim the merit of granting a bounty.

It is supposed by some gentlemen, that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawbacks, but even to grant them under a power by virtue of which they may do anything which they may think conducive to the "general welfare." This, sir, in my mind, raises the important and fundamental question, whether the general terms which had been cited, are to be considered as a sort of caption or general description of the specified powers, and as having no further meaning, and giving no further power than what is found in that specification; or as an abstract and indefinite delegation of power extending to all cases whatever; to all such, at least, as will admit the application of money, which is giving as much latitude as any Government could well desire.

I, sir, have always conceived—I believe those who proposed the Constitution conceived, and it is still more fully known, and more material to observe that those who ratified the Constitution conceived—that this is not an indefinite Government, deriving its powers from the general terms prefixed to the specified powers, but a limited Government, tied down to the specified powers which explain and define the general terms. The gentlemen who contend for a contrary doctrine are surely not aware of the consequences which flow from it, and which they must either admit or give up their doctrine.

It will follow, in the first place, that if the terms be taken in the broad sense they maintain, the particular powers afterwards so carefully and distinctly enumerated would be without any meaning, and must go for nothing. It would be absurd

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to say, first, that Congress may do what they please, and then that they may do this or that particular thing; after giving Congress power to raise money, and apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd, to say the least, to superadd a power to raise armies, to provide fleets, &c. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them, or they convert the Government from one limited, as hitherto supposed, to the enumerated powers, into a Government without any limits at all.

It is to be recollected, that the terms "common defence and general welfare," as here used, are not novel terms, first introduced into this Constitution. They are terms familiar in their construction, and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such power as is now assigned to them. On the contrary, it was always considered as clear and certain, that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves, whether it ever was supposed or suspected that the old Congress could give away the moneys of the States in bounties, to encourage agriculture, or for any other purpose they pleased? If such a power had been possessed by that body, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The novel idea now annexed to these terms, and never before entertained by the friends or enemies of the Government, will have a further consequence, which cannot have been taken into the view of the gentlemen. Their construction would not only give Congress the complete Legislative power I have stated—it would do more—it would supercede all the restrictions understood at present to lie on their power with respect to the Judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever. This, sir, seems to be demonstrable; for if the clause in question really authorizes Congress to do whatever they think fit, provided it be for the general welfare, of which they are to judge, and money can be applied to it, Congress must have power to create and support a Judiciary Establishment, with a jurisdiction extending to all cases favorable, in their opinion, to the general welfare, in the same manner as they have power to pass laws and apply money, providing in any other way for the general welfare. I shall be reminded, perhaps, that according to the terms of the Constitution, the Judicial Power is to extend to certain cases only, not to all cases. But this circumstance can have no effect in the argument, it being presupposed by the gentlemen that the specification of certain objects does not limit the import of general terms. Taking these terms

as an abstract and indefinite grant of power, they comprise all the objects of the Legislative regulation, as well such as fall under the Judiciary article in the Constitution, as those falling immediately under the Legislative article; and if the partial enumeration of objects in the Legislative article does not, as these gentlemen contend, limit the general power, neither will it be limited by the partial enumeration of objects in the Judiciary article.

There are consequences, sir, still more extensive, which, as they follow clearly from the doctrine combated, must either be admitted, or the doctrine must be given up. If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every State, county, and parish, and pay them out of the public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything, from the highest object of State legislation, down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this House, is a proof that the doctrine in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of this Government, as limited to certain enumerated powers, instead of extending, like other Governments, to all cases not particularly excepted. In a very late instance—I mean the debate on the Representation bill—it must be remembered, that an argument much urged, particularly by a gentleman from Massachusetts, against the ratio of one for thirty thousand, was, that this Government was unlike the State Governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to, and therefore that a smaller number of Representatives would be sufficient to administer it.

Several arguments have been advanced to show, that because, in the regulation of trade, indirect and eventual encouragement is given to manufactures, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it cannot be necessary to enlarge upon. A duty laid on imported implements of husbandry, would, in its operation, be an indirect tax on exported produce; but will any one say, that by virtue of a mere power to lay duties on imports, Congress might go directly to the produce or implements of agriculture, or to the articles exported? It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such

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a power might directly and incidentally affect exports.

In short, sir, without going further into the subject, which I should not have here touched on at all but for the reasons already mentioned, I venture to declare it as my opinion, that were the power of Congress to be established in the latitude contended for, it would subvert the very foundation, and transmute the very nature of the limited Government established by the people of America; and what inferences might be drawn, or what consequences ensue from such a step, it is incumbent on us all well to consider.

With respect to the question before the House, for striking out the clause, it is immaterial whether it be struck out, or so amended as to rest on the avowed principle of a commutation for the drawback; but as a clause has been drawn up by my colleague, in order to be substituted, I shall concur in a vote for striking out, reserving to myself a freedom to be governed in my final vote by the modification which may prevail.

Mr. BOURNE, of Massachusetts—

Mr. Chairman: I think little can be added after so full a discussion of the subject before you. The object of the first section in this bill is intended for the relief of the fishermen and their owners. They complain that the law now in force was meant for their benefit, by granting a drawback on the fish exported; this they find by experience is not the case, for they say, that neither the fishermen who catch the fish, nor the importer of the salt, receive the drawback; and I rather suppose, sir, it is the case. The owners of the greater part of the fishing vessels are not merchants, neither do they import the salt they consume; but when the fish they take are cured for market, they are sold at the market price; and it frequently happens that those persons who purchase the fish are not the exporters of them, or the importers of the salt, but a third person, who purchases with a prospect of selling them at a profit, is the exporter; and when it so happens, neither the fisherman who catches the fish nor the importer of the salt, receive any benefit from the drawback, unless the purchaser (the third person) give a greater price in contemplation of the drawback, which I think is not to be supposed.

Is it worthy the attention of Government that the cod fishery should be preserved? It appears to me that it is. When we consider the labor and assiduity bestowed on this object by our Ministers, at the settlement of peace between us and Great Britain, and the care then taken to secure this privilege, as appears by the treaty—[here Mr. B. read that part of the treaty which secures to us the fishery, he then proceeded]—and consider the struggle made to deprive us of this inestimable branch of commerce, I cannot suppose that any one would, at this day, voluntarily relinquish it, and suffer Great Britain to monopolize this branch, and supply the Mediterranean, French, and other markets. Great Britain, at present, enjoys a sufficient portion of this commerce, while France is confined to the narrow limits of St. Peters and Miquelon. If we relinquish this branch of the

cod fishery, what is left us? Our whale fishery is nearly at an end, and unless Government speedily interpose, by granting relief, we shall totally lose it. Does not the British Government wish to deprive us of this branch also? Have not letters or agents been sent to the island of Nantucket, as well as New Bedford, where this branch of business is principally prosecuted, inviting the whale fishermen to remove, and offering them permanent settlements at Milford-Haven, at the expense of their Government? This must be viewed as a great encouragement, in addition to their bounties on oil, to a class of poor men employed in that business. If the cod fishery is relinquished, the fishermen have only to remove to the opposite shore of Nova Scotia, where they will find encouragement fully adequate to their services—of all which they are not unapprised. By encouraging this class of men, your revenue will be increased; for in return for the fish exported, you will receive sugar, coffee, cocoa, indigo, molasses, pimento, cotton, dye-woods, rum, wine, salt, fruit, and other articles subject to duty, and consumed in the country. And again, your Treasury will receive an excess by the provision in this bill; for I presume the greater proportion of vessels employed in this business are from twenty to forty tons; the town of Marblehead, perhaps, has principally large ones. Suppose, then, a vessel of thirty tons obtains, in a season, six hundred quintals of fish? (a very moderate voyage indeed,) her tonnage is seventy-five dollars; the drawback on exportation would be seventy-eight dollars; so that your Treasury retains three dollars gain by this bill, which would be a loss on the drawback.

Mr. Chairman, I think, upon the whole, that by granting the encouragement to the fishermen and their owners, held out in the bill, would prove very beneficial to the United States, I hope therefore, the section before you will not be struck out.

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

TUESDAY, February 7.

Ordered, That the petitions of the tanners of the town of Newark, in the State of New Jersey, which was presented yesterday, be referred to Mr. BOUDINOT, Mr. WHITE, Mr. THATCHER, Mr. BOURNE, of Rhode Island, and Mr. NILES; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BENSON, from the committee appointed, presented a bill for an apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and apportionment of Representatives thereon, to compose the House of Representatives after the third day of March, 1797; which was received and read the first time.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report stating the amount of the subscriptions to the loans proposed by the act making provision for the public debt, as well in the debts of

the respective States as in the domestic debt of the United States, and of the parts which remain unsubscribed, together with such measures as are, in his opinion, expedient to be taken on the subject, pursuant to an order of this House of the 1st of November last; which were read, and ordered to be committed to a Committee of the Whole House on Monday next.

THE FISHERY BILL.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act for the encouragement of the Bank and other Cod Fisheries, and for the regulation and Government of the fishermen employed therein."

Mr. PAGE said no man in this House was more heartily disposed to encourage the fisheries of the United States than he was; nor could any one more sincerely wish to encourage the bold, active, and enterprising adventurers in that branch of our commerce to persevere in it, than he did; being sensible of the importance of their traffic in peace, and of their defence of their country and annoyance of their enemies in war. But, sir, (said Mr. P.,) I much doubt whether Congress can give that encouragement to the fisheries to which they are entitled, and which policy would lead the General Government to give, were it not restricted by the Constitution. I consider, sir, the Constitution as intended to remedy the defects of the Confederation to a certain degree; so far only as would secure the independence and general welfare of the Confederated States, without endangering the sovereignty and independence of the individual States. Congress, therefore, was authorized to pay the debts of the Union, and to regulate commerce, partly for that purpose, and partly to prevent improper and dangerous commercial combinations, jealousies, and altercations between the States. But Congress was not intrusted with any regulation of exports which could admit of an interposition which might be dictated by partiality; nor was Congress permitted to lay any tax which could by any possibility operate unequally on the States in general. It is said, indeed, that, if a drawback be not allowed on the salt used in salting fish, there will be, in fact, a duty on the exportation of the fish. But to this I think it may be replied, that the Constitution guards the exports of each State against the possibility of a *partial* restriction by Congress, or even by the States themselves; that Congress cannot lay a duty on the exportation of rice, indigo, tobacco, &c., or any other article exported from any State, because this might be done to the injury of the State where such duty would operate, and to the advantage and aggrandizement of some particular States, its competitors more favored by the General Government, or possessing more influence in the debates of Congress; and that the States are also individually restrained from laying such duties without the consent of Congress, to prevent acts which might produce jealousies, commercial combinations, and, perhaps, at length, civil dissensions. That this restriction, if it be intended to prevent partiality, therefore, cannot

extend to authorize drawbacks, which may be productive of partial preferences and their consequent jealousies; that, if drawbacks be granted at all, they ought to be universally extended to every article which is or can be exported from any of the States, having in its composition a dutiable ingredient; that hence, ships and other vessels, &c., should have drawbacks on the sails, cordage, iron, &c.; but it may also be said that, as to the duty on salt, that is amply repaid to the merchant by the price annexed to his fish: the sums laid out in salt and fish together form a capital on which he takes care to have a sufficient profit. Those merchants employed in this traffic, if allowed a drawback, would have a preference to other merchants, who import largely, pay heavy duties, and have no other advantage than the usual advance on their goods. The exporter of any article, with a drawback, must have an advantage over his fellow-citizens, who purchase through necessity many dutiable articles, and are obliged to consume them, without any other benefit than the use of them. I mention this because it has been said [by Mr. AMES] that, having made the men of Marblehead pay for salt, they have a right to demand the money expended in that salt on the exportation of their fish; for it would be as reasonable for the man who had ate his fish on which his salt was expended, or who had used any other article for which he had paid a duty, to claim of Congress a return of his money expended therein, as the exporter of fish. The only difference is, that, if both were paid the exact sum so expended by them, the exporter of fish would get twice paid. The purchaser or consumer of his fish would pay him for his salt therein, as if it were substantial fish, and the State for it as mere salt. Here, then, is a field for partiality, discontent, and complaints, which the Constitution wisely guards against. It cannot, therefore, be to any purpose to tell us that a bounty, or allowance, as it is now called, is preferable to a drawback, as there is not so great room for fraud in the one as the other; nor can it be of importance to show that the fishermen have not the profits to which they are entitled. That their services in the last war deserve rewards, &c., their country shared with them the glory of their gallant behaviour; but they alone received the rewards they aimed at. The twelve hundred ships they took was a compensation for services and a reward for those exploits. It is true, they annoyed the enemy; it is certain their prizes sometimes fed, armed, and clothed our armies; but it is not said that they did not receive payment for furnishing those things.

But here we are asked, Is it not of great consequence to the United States to employ those bold, skilful seamen in our service that we may enjoy the commercial advantage they give us in peace, and their powerful assistance in war? To this I reply, that it ought first to be proved that Congress has the power and authority to give them the encouragement demanded; and even if Congress have that power, it ought to be shown that it can be extended to the benefit of the sailors of some of the States, and not to those of every State.

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It may be said that Congress may with as much propriety give bounties to our hunters in the Western country, to raise up a nursery of soldiers as a barrier against the Indians, and to promote the fur trade, as to give drawbacks and bounties to the fishermen of the Eastern States, with a view to encourage fisheries, and to raise a nursery of seamen for their defence against enemies who may invade our Eastern frontiers. Indeed, if defence be the object in view, we might as well give bounties to sturdy landmen to be in readiness and constant training for war.

Indeed, sir, I confess I am not altogether convinced that, if Congress have this power, it ought to be thus exerted; because it is not clear to me that those fishermen would not be more profitable to the United States, if they were cultivating the lands which now lie waste, and raising families, which would be of ten times more value than their fisheries. A nursery of virtuous families, which will produce soldiers, sailors, husbandmen, and statesmen, must be preferable to a mere nursery of sailors, who generally live single, and often perish at sea. I always look upon the loss of a crew to an infant Republic as the loss almost of a new State.

I speak of this question, however, as a citizen of the United States, as a member of this House. Were I to discuss it as a citizen of Massachusetts, and in their Legislature, I should say, as the State is nearly filled with inhabitants, and our fishermen increase our commerce in peace, protect us in war, and, indeed, even enrich us by their prizes, it is our interest to encourage them to the utmost, and to prevent their going into the service of other countries. I might, therefore, as a member of the Legislature of that State, do all in my power to procure bounties for them, and indeed for all the sailors belonging to that State; but I should not think of applying to Congress for their assistance; not only because I doubt their right to afford it, but because I should look upon it as in some degree derogatory to the sovereignty and independence of the State. I should look upon such an interference of Congress as a step towards swallowing up the powers of the State Governments, and as consolidating the different States into one Government, which the wise and virtuous in every State always protested against as dangerous to their liberties; the fear of which consolidation prevented many good men from voting for the adoption of the new Government.

The framers of the Constitution guarded so much against a possibility of such partial preferences as might be given, if Congress had the right to grant them, that, even to encourage learning and useful arts, the granting of patents is the extent of their power. And surely nothing could be less dangerous to the sovereignty or interest of the individual States than the encouragement which might be given to ingenious inventors or promoters of valuable inventions in the arts and sciences. The encouragement which the General Government might give to the fine arts, to commerce, to manufactures, and agriculture, might, if judiciously applied, redound to the honor

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of Congress, and the splendor, magnificence, and real advantage of the United States; but the wise framers of our Constitution saw that, if Congress had the power of exerting what has been called a royal munificence for these purposes, Congress might, like many royal benefactors, misplace their munificence; might elevate sycophants, and be inattentive to men unfriendly to the views of Government; might reward the ingenuity of the citizens of one State, and neglect a much greater genius of another. A citizen of a powerful State, it might be said, was attended to, whilst that of one of less weight in the Federal scale was totally neglected. It is not sufficient, to remove these objections, to say, as some gentlemen have said, that Congress is incapable of partiality or absurdities, and that they are as far from committing them as my colleagues or myself. I tell them the Constitution was formed on a supposition of human frailty, and to restrain abuses of mistaken powers. The Constitution has been said by some one to be, like answers of the oracles of old, capable of various and opposite constructions; that it has been ingeniously contrived, like some of them, to suit two events—a Republican or a Monarchical issue. I will not pretend to say that this is not, in some instances, too just an observation; nor will I undertake to deny that it was not the intention of some of the Convention that such ambiguities might be in their Constitution, to correspond with the critical and ambiguous state of the American mind respecting Government; but I will boldly affirm, that, whatever the theories of that day might lead some to think respecting the application of Monarchical principles to the Government of the United States, no one can, at this day, pretend that they are applicable to their circumstances, their dispositions, or interests, or even are agreeable to the wishes of the people. Even before the adoption of the Constitution, when the rights of men had not been so thoroughly investigated as they since have been, it must be remembered, that whole States, and large and respectable minorities in other States, complained of and objected to the Aristocratical and Monarchical features of the new Government. In vain did the friends of the new Government—friends of order, of union, or of liberty—contend that the powers granted by the Constitution which appeared so alarming were such as would never be exerted but when all good men would acknowledge the necessity of exercising them, and that, indeed, they would be explained or restrained by some future amendments. The sagacious and eloquent HENRY shook his head at such promises, sighed, and submitted to the will of the majority—a small one, indeed—but foretold, from his knowledge of the human heart, what would be done and said in justification of every measure which might extend the power of Congress.

Is it politic and wise, then, Mr. Chairman, to exert the power contended for, even if it be authorized by the Constitution? May not the interference of Congress in the business of regulating the trade of the Eastern States, excite, if not envy on account of a supposed partiality, a jealousy lest

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Congress undertake to intermeddle in the commercial regulations of other States? May not Congress, with equal propriety, undertake to regulate the tobacco, the rice, and indigo trade, as well as that of the fisheries? If they intermeddle in the business of sailors, why not in that of manufacturers and farmers? Where, I may ask with my colleague, may they not go on in their zeal, and, I may add, in their laudable pursuit, of promoting the general welfare—and how totally may they be mistaken? If jealousy of rival States, instead of mutual satisfaction and pleasure—if distrust and suspicion of Congress, instead of confidence in their measures, be the consequence—how will the Union be promoted, or the General Government secured? However virtuously disposed the present members may be, (and I am ready to applaud their honest intentions,) let them consider, sir, that they had better suppress their patriotic emotions, than give a pretext for their successors to abuse the powers which they now wish to exert for the public good. I know they will quote the opinion of as wise and virtuous a citizen as is in the United States. I know his patriotism, and know well his true Republican principles; but, sir, with the freedom of a fellow-citizen, I take the liberty of saying, that his honest zeal, like that of the friends of the bill, has led him into a mistake.* That able statesman and virtuous citizen, like the eloquent advocates of the bill, has considered the acts now quoted as a full sanction for the one before the Committee. But I am of opinion, that those acts had better be repealed than give a sanction to the enacting of a law which goes to the establishing of bounties, or drawbacks, or by whatever other name they are called, which may be used to the partial encouragement of any branch of trade or employment whatsoever. I shall therefore vote against the bill before us, and, to get rid of it, shall vote for striking out of it the first section, according to the motion now before the Committee. As a member of this House, I shall think it my duty to protect the fisheries, and every other branch of our commerce, the fisherman as well as every other citizen, as far as may be within my ability; but I am not permitted, as a member of Congress, I humbly conceive, to select the fisheries and fishermen as objects of more consequence than any other branches of trade, or persons employed in them, lest Congress should not only show a mistaken attachment, or, even if judiciously placed, excite jealousies and discontents between the States, and distrust, destructive of their weight and influence. My constant wish has been to see Congress confined to such acts as would form a more perfect union, promote the general welfare, insure domestic tranquility, and engage the confidence of our fellow-citizens.

My wish is, that the members of Congress would leave their respective States in the full enjoyment of every right and privilege they held before their adoption of the new Constitution, which can be exercised without prejudice to the General Government. Let the Legislatures of the

* Mr. JEFFERSON, Secretary of State, in his Report on the fisheries.

different States encourage, as far as in their power, the commerce, agriculture, or manufactures of their respective States; and let Congress, as far as can be consistent with the most steady impartiality, patronize their patriotic exertions, by wise regulations of their commerce with foreign nations, such as may open as full an intercourse with those nations as the States may desire. The emulation of the sister States in commerce, manufactures, or agriculture, would lead to the early establishment of that branch of either to which each State might be best adapted. This rivalry could produce no jealousy, no general national discontent in the States, no localities in Congress. Virginia would not attempt to rival Massachusetts in her fisheries or carrying business, nor will South Carolina and Georgia rival the manufactories of New Jersey and Pennsylvania. Each State may rejoice to see its sister States enjoying the advantages with which Heaven has blessed them; and Congress, if confined to subjects which admit not of local considerations, may debate with temper and decide with unbiassed judgment. I confess I have wished that Congress possessed the power that the friends of the bill tell us we do possess, and tell us we have exerted; but, on examining the Constitution with a view to my wish, I found reason to think, not only that Congress has not that power, but that it ought not to possess it, unless the Constitution was intended to establish a consolidated Government on the ruin of the State Legislatures; but this, I conceive, cannot be the case, because the Constitution guaranties to the States their respective Republican Governments. The general powers of Congress, no doubt, ought to be (as they are) adequate to the purpose of forming a more perfect union than subsisted under the Confederation, to establish justice, &c.; but, as they are bound to guarantee to the States their respective Republican forms of Government, I cannot conceive how any of these powers can be employed, consistently with the ends for which they were given, in diminishing the power and sovereignty of the State Legislatures. How Congress can interfere in the regulations respecting the merchants and their sailors at Marblehead with more propriety than with those at Philadelphia, Norfolk, or Charleston, I cannot conceive; nor how this interference could take place without alarming those States, I know not. Viewing the bill before us in this light, Mr. Chairman, I shall vote against it, and, as I said before, to get rid of it, shall vote to strike out the first section, according to the motion now before the Committee.

The question on striking out the first section was taken, and negatived—32 to 26.

WEDNESDAY, February 8.

A Message was received from the President of the United States, together with a statement of certain articles of expense, which have occurred in the Department of Foreign Affairs, and for which no provision is made by law. [The expense alluded to was incurred for the relief of a number of American sailors, impressed in England to serve on

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board the British navy.] The Message and accompanying Papers were referred to a select committee, to examine and report.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying certain communications with the Executive of Virginia relative to the existing temporary defensive protection of the exposed frontiers of that State, pursuant to the orders of the President of the United States; which were read, and ordered to lie on the table.

Mr. WHITE, from the committee appointed, presented a bill providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established; which was read twice and committed.

Mr. BENSON, from the committee to whom was referred the report of the Secretary of the Treasury on the petition of Comfort Sands, and others, made a report; which was read, and ordered to lie on the table.

THE COD FISHERIES.

The House again resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act for the encouragement of the Bank and other Cod-fisheries, and for the regulation and government of the fishermen employed therein.

On a motion to strike out the words "bounty now allowed," and insert *allowance now made*, &c.—

Mr. GILES observed, that he conceived the vote of yesterday against striking out the first section, was a decision in favor of the policy of granting Governmental aid to the fisheries; the inquiry of to-day will be on what terms this aid shall be granted? He felt but little regret at the decision of yesterday, because he had himself previously contemplated some reasons, not unimportant, to justify that decision, and others had been suggested by several gentlemen in the course of the debate. The principles of this policy, he thought, however, might be combated by reasons of at least equal, and as far as he was able to judge, of paramount importance; but as he admitted considerable weight in the reasons on each side of the question, he was not particularly tenacious of the preference which his own opinion suggested. When he first mentioned his doubts respecting the principle of the bill, it was with diffidence, and those doubts in some measure arose from an idea that the bill contained a direct bounty upon occupation; upon a more minute examination, he thought the term bounty unnecessarily introduced into the bill, and that the object of it could be answered without the use of terms, which might hereafter be deemed to contain a decision upon the general principle of the constitutional right to grant bounties; it was to avoid any thing which might wear the appearance of such a decision, that induced him to make the present motion.

He proceeded to remark, that as great a difference of opinion often existed respecting the precise meaning of the terms used, as the consequences which flow from them after attaining such preci-

sion of meaning; and it is of importance to the present discussion that an accurate definition of the terms used in the bill, and those proposed to be used, should be had. The avowed object of the bill is not to increase, but to transmute the sum, or a portion thereof, now allowed to the fisheries in lieu of the drawback upon salt, from the merchant who is now supposed to receive the sole benefit, to the fishermen really employed in the fishing vessels. This is a mere chimerical project, but if it be admitted that this is the object to be effected by the bill, the term bounty is improperly applied.

A gentleman from Massachusetts, [Mr. AMES,] who rests the defence of this bill almost solely upon this position, that those who receive the benefit intended by it, are of right entitled to such benefit in consideration of a previous advancement in value, and that this bill contains a mere permission to them to retain their own, has at the same time declared, that he thought the term bounty the most proper and technical, to convey this idea. In this, the gentleman appears to have deviated from his usual accuracy. A bounty is the granting a benefit without a correspondent return in value; a drawback is the retaking of something in consideration of a previous advancement; this is always founded upon a consideration previously received—that is a grant of favor *ex mero motu*. But the great characteristic distinction between bounties and drawbacks as they essentially relate to the administration of this Government, consists in the Governmental objects to which they may severally be applied: drawbacks are necessarily confined to commercial regulations; bounties may be extended to every possible object of Government, and may pervade the whole minutiae of police. They may not only be extended to commerce, but to *learning, agriculture, manufactures*, and even the *sacredness* of religion will be found too feeble to furnish complete protection from their influence. The people of the United States have always been scrupulously tenacious of a constitutional security for the most free and equal exercise of this right, but through the medium of bounties, even this right may be invaded, and the only security against such invasion must be *Governmental discretion*. The same characteristic distinction will attend that *species* of bounty which may incidentally result from commercial regulations; and direct bounties upon occupation founded upon the broad basis of discretionary right. The specification in the Constitution of the right to regulate commerce, may possibly in some cases give rise to this indirect species of bounty, not from any right in the Constitution to grant bounties, but as the necessary result from the specified right to make commercial regulations; and this specification can be the only foundation of justification to this indirect species of bounty, but there is no specification in the Constitution of a right to regulate *learning, or agriculture, manufactures, or religion*, and so far as the sense of the Constitution can be collected, it rather forbids than authorizes the exercise of that right.

Arguments used to deduce any given authority

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from the term *general welfare*, abstractedly from the specification of some particular authority, are dangerous in the extreme to rights constitutionally reserved, and ought ever to be viewed with great caution and suspicion. They serve directly to show that this Government is not only consolidated in all its parts, but that it is a consolidated Government of unlimited discretion; that it contains no constitutional limitation or restriction. If any given authority be inferred from the term *general welfare* in the abstract, any other authority is equally deducible from it, because the term is applicable to every possible object of Government, and differs only in degree, as to the several Governmental objects.

He could not see the force of the novel and curious distinction taken by a gentleman from Connecticut [Mr. HILLHOUSE] between *general welfare* and *particular welfare*; for every particular welfare, however minute, may be in a degree for the general welfare, and if the decision respecting the existence of this distinction, have no other limitation than Congressional discretion, it is equally destructive of all constitutional restraint. Gentlemen who have advocated this principle of construction, appear startled at some consequences suggested to result from it, and have denied that they have made the admission of such consequences. This is true, nor have those in reply so asserted, but they have taken up the principles of construction furnished by its advocates, and made the application of it to the consequences which they themselves infer; and if the principle be admitted, it is undeniable that the conclusions drawn from it will necessarily follow in their utmost latitude.

A gentleman from South Carolina [Mr. BARNWELL] confidently spoke of the inherent rights of this Government; this is a new source of authority, and totally inapplicable to this Government. If there be inherent rights in Governments at all, they must belong to Governments growing out of a state of society, and not to a Government deriving all its authorities by charter from previously existing Governments, or the people of those Governments. In such a Government, the exercise of every authority not contained in the instrument, or deducible from it by a fair and candid construction, is an unjustifiable assumption and usurpation. He did not mean to analyze this subject further at this time, and had been led into these general remarks, because the impatience of the Committee to have the question upon striking out the section, had caused him to refrain from delivering these sentiments at that time.

He would remark further, that bounties in all countries and at all times, have been the effect of favoritism; they have only served to divert the current of industry from its natural channel, into one less advantageous or productive; and in fact, they are nothing more than Governmental *thefts* committed upon the rights of one part of the community, and an *unmerited* Governmental *munificence* to the other. In this country, and under this Government, they present an aspect peculiarly *dreadful* and *deformed*.

To contemplate the subjects upon which bounties are to operate in the United States, the nature of the Government to dispense them, the State preferences which now do and will forever, more or less, continue to exist, the impossibility of an equal operation of bounties throughout the United States, upon any subject whatever, should be considered; and one of these two effects will necessarily follow the exercise of them; either the very existence of the Government will be destroyed, or its administration must be radically changed, it must be converted into the most complex system of tyranny and favoritism.

He observed, that it is not unfrequent at this time to hear of an Eastern and Southern interest, and he had for some time silently and indignantly seen, or thought he saw, attempts by this means to influence the deliberations of this House upon almost every important question. So far as he was the insulted object of these attempts, he felt that contempt for their authors, which appeared to him to be the correspondent tribute to the impurity of their designs; yet he thought that this had been the most formidable and effectual *ministerial machine* which had been yet used in the administration of Government. But one great mischief he apprehended from establishing the principle of the unrestrained right to grant bounties, will be, that it will make the difference of interest between Eastern and Southern, so far as they differ in their respective States of manufacture and agriculture, real, which is now only ideal. It will make that party real, which is now artificial. The jealousies and suspicions arising from *party*, will then have a substantial foundation, which now have no foundation in fact, but are ingeniously stimulated by a few, for the purpose of effecting particular objects; as long as the Government shall be administered liberally and impartially, as long as the principle of reciprocal demand and supply between East and South shall remain inviolate, so long there can exist no essential distinct interest between them; but the instant bounties or Governmental preferences are granted to occupation, that instant is created a separate and distinct interest, not wholly between East and South, but between the manufacturer and the cultivator of the soil. There will still exist a community of agricultural interest throughout the United States, and he hoped the time was not far distant, when a common sympathy will be felt by the whole of that class of the community. For these reasons, he hoped the motion would prevail.

The bill having been gone through with, and amended, the Committee rose and reported it with amendments which the House immediately took into consideration and adopted. The bill was then further amended and the House adjourned.

THURSDAY, February 9.

THE COD FISHERIES.

The bill sent from the Senate, entitled "An act for the encouragement of the Bank and other Cod Fisheries, and for the regulation and government of the fishermen employed therein," together with

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the amendments thereto, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative—yeas 38, nays 21, as follows:

YEAS.—Messrs. Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, Frederick Augustus Muhlenberg, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tredwell, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Messrs. John Baptist Ashe, Abraham Baldwin, John Brown, William B. Giles, William Barry Grove, Daniel Heister, Philip Key, Nathaniel Macon, John Francis Mercar, Andrew Moore, William Vans Murray, John Page, Josiah Parker, Joshua Seney, John Steele, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Resolved, That the title of the said bill be, "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein."

Mr. LAURANCE presented a petition from the tanners and carriers of the city of New York, praying relief from the hardships they labor under, in consequence of the exportation of tanners' bark. Referred to a select committee.

ELECTION OF PRESIDENT, &c.

The House then resolved itself into a Committee of the Whole, Mr. W. SMITH in the Chair, on a bill (received from the Senate) relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President.

The ninth section was struck out, in which the President of the Senate *pro tempore* was designated to act as President in case of vacancies in both of the above mentioned offices.

A motion was then made to add a new section to the bill, appointing the senior Associate Judge as the person to fill the vacancy. A motion was made to amend this proposition, by substituting the Secretary of State, instead of the senior Associate Judge. A short debate ensued, after which, the Committee rose without taking the question, reported progress, and obtained leave to sit again.

FRIDAY, February 10.

Resolved, That the Secretary of State lay before the House copies of such laws as have been adopted and published by the Governor and Judges of the territory Northwest of the Ohio.

Ordered, That the Clerk be directed to furnish the sitting member, and the petitioner, James Jackson, at the request of either party, with copies of all such documents, evidences, and testimony,

as are in his possession, or that may come to the hands of the SPEAKER, previous to the time of trying the validity of the election of a member to represent the lower district of the State of Georgia, in the Congress of the United States.

ELECTION OF PRESIDENT, &c.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" and, after some time spent therein, reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were read, and are as follow:

Strike out the ninth section, in the words following:

"*And be it further enacted*, 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 of the United States, until the disability be removed, or a President shall be elected."

In lieu of the said ninth section, insert:

"*And be it further enacted*, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

Whereupon, the said first amendment being again read, and the question put to strike out the said ninth section, in the words following:

"*And be it further enacted*, 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 of the United States, until the disability be removed, or a President shall be elected."

It was resolved in the affirmative—yeas 32, nays 22, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Andrew Gregg, William Barry Grove, Israel Jacobs, Philip Key, Nathaniel Macon, James Madison, John Francis Mercar, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Abraham Clark, Elbridge Gerry, Benjamin Goodhue, Daniel Heister, James Hillhouse, Daniel Huger, Aaron Kitchell, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, William Smith, Peter Sylvester, Thomas Tudor Tucker, and Jeremiah Wadsworth.

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Apportionment Bill.

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The second amendment being again read, and the question put to insert in lieu of the said ninth section, the words following:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

It was resolved in the affirmative.

The House then proceeded to the farther consideration of the said bill; made some progress therein, and then adjourned.

MONDAY, February 13.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to continue an act entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations;" and that Mr. STURRETT, Mr. BOURNE, of Rhode Island, and Mr. BALDWIN, be the said committee.

The House resumed the consideration of the bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" Whereupon—

Resolved, That the said bill, with the amendments, be again recommitted to a Committee of the Whole House to-morrow.

APPORTIONMENT BILL.

The House resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration and an Apportionment of Representatives, after the third day of March, one thousand seven hundred and ninety-seven—Mr. SMITH, of South Carolina, in the Chair. The bill was read through by the Clerk.

The first section being repeated by the Chairman, Mr. SNEY moved that the blank should be filled with the word "thirty," which would determine that the ratio of representation should be 30,000.

This motion was opposed by Mr. HILLHOUSE, on the old ground of its unequal operation.

Mr. GERRY replied to Mr. HILLHOUSE. He observed that this apportionment on the aggregate Federal number would be more equal than by the ratio of 33,000; but this had been rejected by the Senate; and as the ratio of 33,000 would not perfectly cure the difficulty, and would operate to reduce the whole number of the Representatives, he conceived that no new light had been thrown on the subject to induce the House to consent to such diminution.

Mr. MERCER entered into a general view of the subject. He supported a large representation, and urged its importance, as it respects the democratical part of the community. The theory of Gov-

ernment is the same, whether it respects a free or a despotic Government; it is not a small number that can govern in any country. Standing armies supply in Despotic Governments the place of a large representation in a Free Government. Still, the operations of Government, in both cases, depend on a large number of people.

The question for inserting 30,000 was carried in the affirmative—30 to 21.

Mr. MERCER then moved to strike out "the third day of March, 1793," and to insert "the first day of October, 1792"—referring to the period when the States shall be represented by the number arising from the first enumeration. He informed the House that Virginia had already made provision to send forward their supplementary numbers. He urged the right of the States respectively to fill up their representation agreeably to the enumeration, &c.

Mr. GERRY supported the motion.

Mr. HILLHOUSE suggested another mode. He proposed that the present Congress should expire after the present session, and a new House be elected agreeably to the census, to meet at the time to which the present Congress may be adjourned. He urged many advantages which would result from this plan.

Mr. MERCER said, his idea was, that the choosing these additional members would be only filling up vacancies.

Mr. MURRAY was for striking out "the third day of March, 1793," for the purpose of inserting an earlier day. The great objection is its inconvenience. It is said the members which now compose this House will have to continue by law another session, and the supplemental members would have to continue but to fill the intermediate space of time from the election to the 3d of March. He begged gentlemen to give him leave to say, that the only possible obstacle to their thinking as he did arose from themselves—from a desire, he would not say how disinterested, to continue in power longer than they were entitled to remain under the Constitution. The act of Congress declaratory of the time which members were to continue was the sole obstacle to the gratification of the people in one of their best rights. This act, founded in error, ought previously to be repealed, and then no difficulty, either from the construction of the Constitution or from inconvenience, could be raised to the wish that the additional Representatives should take their seats immediately after the next general election. This act produced a mischievous and unthought-of solecism in the Government. It separated representation from confidence, and violated responsibility, which is the very soul of the Government. The people could not but be astonished that, after the last general election, the members of Congress whom they had not chosen still continued there to hold their seats, and to act as upon their confidence and trust. Surely one of the most obvious truths in a Government by representation is, that election shall be the criterion of confidence, and that a continuance to discharge a trust after it is withdrawn overturns every idea of representation.

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He wished the Committee to reflect that the principal objection to the motion was easily removed, if members would act a disinterested part; and that if it be admitted that the duration of the present Congress is the objection to the admission of the supplemental members, gentlemen cannot hesitate between the gratification of what evidently appears to be the rights of the people, under a fair construction of the Constitution, and a declaratory law, which is repealable, and which is so contrary to reason. The objection is removable—the right is permanent. It is certainly of more consequence to adhere to the principle of a just and numerous representation, and to adopt an early day to give it operation, than to give the principle the go-by, merely to support a stretched duration of our term, under a law that oversets the most obvious truths and reasoning on representation. As to the members from Georgia, if the law giving an extra term to the seats of members was not repealed, he would still vote for Georgia's having three members till the term expired; but at all events he hoped the motion would be agreed to.

The motion was finally disagreed to.

TUESDAY, February 14.

Mr. STERRETT, from the committee appointed, presented a bill declaring the consent of Congress to a certain act of the State of Maryland, and to continue for a longer time "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia and Rhode Island and Providence Plantations; which was received, and read twice and committed.

ELECTION OF PRESIDENT, &c.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President."

A motion made yesterday, to insert a clause restricting the number of Electors to the number of the present Senate and House of Representatives, being put and negatived—

Mr. GAMM moved to insert a clause which specifies that "the Electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President thus to be chosen should come into office: *Provided, always,* That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives."

This motion, with very little objection, was adopted; its propriety will appear from the following remarks made by Mr. MURRAY, who said

he was in favor of the whole, both the proposition and the proviso: the first meditates a more equal representation of the wishes of the people of America in the election of the two great officers of the State; the proviso guards against a confusion which might take place without the provision. The present representation in Congress is by no means equal; the States, in their conventional deliberation, produced the present proportion of Representatives more from compromise than authenticated data; no census had then measured to the public the proportions of population which one State bore to another; and Representatives, including Senators and Electors of President and Vice President, being the same in number, and the scale of Representatives being unfounded in facts and evidence, the inequality, which is evident, is not to be wondered at. This proposition remedies the inequality; the proviso was not perfectly agreeable to his wishes; but as it refers the number of Electors to a scale of representation ascertained by an actual enumeration, and at the same time will remove the probability of confusion by making each State uniform with others as to the rule of fixing the number of Electors; he should vote for it. This was a great object attained. It is not a difficult thing to foresee, without jealousy or suspicion, that, unless the States are uniform as to the rule of apportioning Electors, the repose of the Union might be violated. Should this law refer to an apportionment to be hereafter made by Congress, this event might take place. A disagreement might happen between this House and the Senate, and, in the tumults and contumacy by which they might be agitated towards each other, no apportionment might be made; in this situation the Executive would be left at the mercy of the two Houses, and the order of things violently deranged. But even if the people, having a census before them, though not acted on by Congress, were to make their elections agreeably to what might be their respective ideas of the apportionment to which the census apparently entitled them, yet we are not certain that they would all act by a uniform rule; and, if they acted without such rule, there might appear before the tribunal of the public two Presidents, or two men of great power claiming the Presidency of America. This would be an evil of great and alarming size, and one which he so much deprecated, that he willingly yielded to the proviso, which he thought would tend to lessen the opportunity by which designing men could effect it.

Ordered, That the said bill be read the third time to-morrow.

WEDNESDAY, February 15.

The bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President," together with the amendments thereto, was read the third time and passed.

H. of R.]

Apportionment Bill.

[FEBRUARY, 1792.]

Ordered, That the Clerk of this House do acquaint the Senate therewith.

The bill sent from the Senate entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," was read twice and committed.

The House again resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration and an Apportionment of Representatives, after the third day of March, one thousand seven hundred and ninety-seven; and, after some time spent therein, the Committee rose, and had leave to sit again.

THURSDAY, February 16.
APPORTIONMENT BILL.

The House again resolved itself into a Committee of the Whole House, on the bill for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797.

Mr. VINING's proposition being under consideration—the first article of which is, that New Hampshire shall be entitled to five Representatives—

Mr. LIVERMORE rose in support of the general principle of the proposition, which is to apportion the Representatives agreeably to the aggregate number of the people of the United States; he urged, in brief, the arguments which had before been adduced on the importance of making the representation as equal as possible, and concluded with saying he hoped that the number proposed for New Hampshire (five) would be agreed to.

Mr. BALDWIN said, that if New Hampshire should have five members, Georgia, according to its present number, which is about one half of that of New Hampshire, would be entitled to three—but this is not proposed, nor do the members from that State expect it should be.

Mr. KITTEBA observed, that apportioning Representatives to the State of Virginia, on the principle contended for by the gentleman from New Hampshire, would give Virginia twenty-four members.

Mr. NILES supported the proposition. He urged that the fractions would be diminished on the whole by it; and though perfect equality is not attainable, he could not conceive on what gentlemen founded their opposition to that plan which came the nearest to this equality; and as the Constitution fully warrants a liberal, though strictly just construction, the apportionment now contemplated he hoped would be agreed to.

Mr. MADISON repeated the substance of what he had before offered in objection to this proposition. Fractions will exist, said he, on every possible plan; this is to be a permanent law, and in its operation will probably increase those fractions.

The Constitution refers to the respective numbers of the States, and not to any aggregate number. The proposition breaks down the barriers between the State and General Governments, and involves a consolidation.

Mr. LIVERMORE replied to Mr. KITTEBA. He observed, that if Virginia was represented agreeably to the proposition contemplated for New Hampshire, that is, four members, Virginia would be entitled to only *seventeen*—this would appear on calculation.

Mr. WILLIAMSON contended that, by the Constitution, whatever ratio was adopted it is to be applied as a divisor to the number of persons in each State *respectively*. This idea of an aggregate number looks like a consolidation of the Government; not only so, but the supplementary member proposed for those States who had not inhabitants to vote for such supplementary member, would not be elected agreeably to the Constitution.

Mr. SENEY opposed the proposition. He observed, that it was very extraordinary, indeed, that those persons who, in the previous discussion, were opposed to the ratio of thirty thousand on account of giving so large a representation, should now advocate this proposition, which in fact increases the whole number. He hoped that it would be rejected.

Mr. VINING said a few words to exculpate the friends of the proposition from the charge of inconsistency.

Mr. VENABLE stated various particulars to show that the plan of transferring the fractions from one State to another, comparing them with the general ratio, would produce greater inequality than the plan contended for by those who oppose the present motion.

Mr. LIVERMORE justified himself from the charge of inconsistency; he was always in favor of an equal representation; with this he began, and with this he should end; and he was not solicitous which way the vote determined the matter, provided the principle of equality was adhered to, and therefore he should not regret New Hampshire being restricted to four members, provided Virginia had only 17—which is the highest number she will be entitled to, apportioning them agreeably to four for New Hampshire. He observed that the friends of the proposition might be outvoted by numbers; he wished, if it could be done, that they might be outreasoned as well as outnumbered.

Mr. LAURANCE said, having advocated in a former discussion the ratio of thirty thousand, he hoped he should not be charged with inconsistency if he gave his assent to the present proposition, as he had explicitly declared that he advocated that number as giving the largest representation—and this proposition not only preserved that idea, but enhanced the number, and on more equal principles. He then entered into an examination of the clause in the Constitution respecting taxes and Representatives, which it is expressly declared shall be according to numbers. He reprobated the idea of members considering themselves as Repre-

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Apportionment Bill.

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representatives merely of particular parts of the Union. The members of this House are the Representatives of America. The States, as States, are represented in the Senate. A member of this House from Georgia is a Representative of the State of New York, as much as if he came from the latter State. Conceiving the idea of the meaning of the Constitution which he had given to be just, he should vote for the proposition.

Mr. FINDLEY said he should vote against the proposition. He did not like the principle of it, if it had any; he rather thought it was destitute of all principle, for it contemplates no ratio at all—it is rather an arbitrary apportionment of the representation. Adverting to the article respecting taxation, he observed that the proposition does not accord with the idea of the gentlemen who advocate it, for still there will be fractions left, and are not these fractions to be taxed? In reply to Mr. LAURANCE's remarks respecting local representation, he observed that the gentleman's idea proved too much; for, if the idea of representing local interests is destroyed, the essence of representation is done away altogether, and all responsibility is lost.

Mr. AMES.—The Constitution says, that "Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers," &c. "The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative."

Deductions from the above—

1st. You may not exceed one to 30,000.

2d. You may have as many as one to 30,000 of the whole number of the Union.

3d. Supposing the amendment ratified, you must have 100 members, if one to 30,000 will give them.

These principles were not disputed till lately. But it is now pretended that the ratio *may* be applied to each State, and the number of Representatives no more than the multiples of 30,000 in each State. Some even go so far as to say that it *must* be so applied, and that Congress may not have as many members as one to 30,000 of the whole Union.

This construction seems to be violent.

1st. The word Representatives, first used, can only mean the whole number of Representatives, for they are to be apportioned among the several States. The word is used in the same sense afterwards—"The number of Representatives shall not exceed one to 30,000," again meaning the whole number of Representatives. The *whole* number of Representatives shall not exceed one to 30,000 of the *whole* people. To avoid this obvious meaning, they say it should read, "shall not exceed one to 30,000 *in each State*." These words are supplied wholly without authority.

2d. The clause merely restrains the number of Representatives so as not to exceed one to 30,000. The members in Congress might have been increased to any number, had not this restriction existed. It is a restrictive, and not an explanatory

clause. It curtails, but cannot be supposed to change the natural import of the preceding power. It is against the fair rules of construction so to change it.

3d. The sense is perfect without the words one to 30,000 *in each State*. Expressum facit cessare tacitum.

4th. The construction makes tautology. The first clause having directed the manner of apportioning Representatives among the several States according to their respective numbers, might have been wholly omitted, one to 30,000 *in each State* being a final apportionment.

5th. Words must not be supplied by *construction* repugnant to words expressed. The result of an apportionment according to numbers, as first directed by the Constitution, differs in terms from a ratio of one to 30,000 *in each State*. It differs in its operation no less. The members in the next House will be 113. Apportion them according to numbers among the several States, Virginia would have 19—19 being to 113, as 630,000, the numbers of Virginia, to 3,619,000, the whole people of the United States. But by the construction which supplies the words in each State, she will have 21 members.

6th. The words *one to 30,000* are merely restrictive of the number in Congress from the whole people, and do not change the sense of the first clause, for taxes and Representatives are to be apportioned according to numbers. The construction cannot be extended to taxes with any good sense. Yet, as taxes and Representatives are to be apportioned similarly, the construction applying to the one should apply to the other. Yet the advocates of this construction say that taxes shall be imposed according to numbers, and not the multiples of 30,000 in each State. Taking it for proved, that the sense of the first clause is not changed, but its operation limited by the clause *shall not exceed one to 30,000*, it remains to see what is the sense of the first clause standing alone. "Representatives shall be apportioned among the several States according to their respective numbers." The Rule-of-Three will show the number of members any State is entitled to. Thus, as the whole number 3,619,000 is to the number of the next House 113, so is the number of persons in a State, say Virginia, which are 630,000, to her quota of members. The result is 19 members. The bill, pursuing another rule, obtained as we have seen by a forced construction, gives that State 21 members.

7th. The amendment to the Constitution refutes the sense of the construction. The words are, "there shall be one for *every* 30,000 till the number shall amount to 100." Plainly the whole number of the nation is intended. The whole number is to be formed by one for *every* 30,000. The words contended for are therefore excluded, and no construction will avail in this place to add them.

8th. The ratio of one to 30,000 in each State is inconsistent with this amendment; for, according to that, 3,000,000 of persons must have 100 members in Congress. Had the numbers by the census

fallen short of a surplus beyond 3,000,000, sufficient to cover the fractions or lost numbers, this amendment to the Constitution could not be carried into execution, according to the principles of the bill. For the amendment requiring 100 members, the numbers being more than 3,000,000, it would appear that 100 members could not be obtained by applying the ratio of 30,000 to the numbers in each State, instead of taking the entire number of the Union. Here, then, would be a constitutional obligation to have 100 members in Congress, and an absolute impossibility of having them according to the principles of this bill.

10th. The number of Representatives is limited not to exceed one for 30,000. Pursue the letter of the Constitution, and avoid all construction, the number of Representatives will be 120. Adopt the construction that you are to have no more than one to 30,000 will give you, and you bring down the number to 113.

But this process, erroneous as it is, only fixes the number—it does not apportion them. That should be done according to numbers, and Virginia would not be found entitled to 21 of 113. According to the principle of the bill, if it may be called a principle, it is defective. The letter and true intention of the Constitution will be violated by a forced construction, which gives some States more and others less than their due share of the Representatives.

Mr. PAGE.—I rise not to enter into a debate on the question before you, sir, because, as I said yesterday, it being out of order, it did not admit of debate. It is true, the question is now a little varied, but it comes to the same thing; for, if we vote in favor of it, we must vote contrary to a solemn decision of this very Committee. What I wish to observe, sir, is in reply to the member from New Hampshire, who seemed dissatisfied with my ideas of order; and to make one remark on what the member from Massachusetts [Mr. AMES] said, as to *truth* being his aim. As to the point of order, it must be most evident that it is to no purpose to put a question in a Committee of the Whole, if, when the sense of the Committee has been taken, another question may be proposed, which may lead to a decision directly contrary to that before made: but the gentleman tells us that the Committee were taken in; that they began, too, at the wrong end; but surely, sir, this cannot be said, for the blank in the sixteenth line was not filled up till after solemn debate; and it was generally understood, that by filling it up, we should fix the principle of the bill. On that question, the ratio of one for thirty thousand was established, and applied in a clause respecting South Carolina in such a manner as, without inconsistency, must lead the Committee to fill up the blanks now under consideration. But, sir, if such debating as is contended for be allowable, when can the business before us be finished? How many amendments of this sort may not be proposed? Is it not sufficient for gentlemen to vote against the motion, if they dislike it, and then, in the House, where they will have a right to be heard, to propose their own amendments? There, if they can

convince the House that the Committee were in an error, they may correct it; but surely, sir, the Committee cannot now, without violating order, and being charged with a great inconsistency, agree to the motion before you. Truth is my aim, said the member from Massachusetts; it is *mine* as much as his: but, without pretending to decide whether his construction of the Constitution is right or not, I will ask him, how are we to arrive at the truth we now aim at? That is, how find the numbers to be inserted in the blanks, if his construction be right? For, according to that construction, we must apply the ratio to the whole Federal number of the United States, before we can find the number of Representatives for any one State; and can this be done till South Carolina has made the return of her census? And if this construction be right, may not South Carolina, if it be the interest of that State to retain its present representation, keep back that return? This construction, then, is attended with an insuperable difficulty, and, indeed, I think with my colleague, [Mr. MADISON,] was never thought of till lately within this House. Our constituents put the construction which the majority of the Committee and of the House have hitherto put on the Constitution; and several States have shown, by their acts, that their construction is the same.

Mr. Vining said, if by consolidation is meant a consolidation of interests, he gloried in the idea; but if a consolidation of States is intended, he was opposed to such an idea as much as any member on the floor. Adverting to Mr. FINDLEY's idea of local interests being represented, he contended he had given up the contest; for if the gentleman is sincere, he must concede that the proposition now under consideration, more perfectly acceded with that idea than his own. Virginia, represented as Delaware, would have but about ten members: are the local interests, then, of Delaware, represented by one member, when Virginia is represented by twenty-one?

Mr. MURRAY hoped that number would not be inserted. If, however, the motion were carried, he wished its friends would, if consistent with order, amend the preliminary section of the bill, by inserting the principle under which this motion is made. The principle is, that the ratio of thirty thousand is to be applied to the aggregate number of the Continent, and not to the aggregate number of each State. He could not, on the fullest and most liberal reflection, give his assent to such a principle; but observed, that at all events some principle, whatever it might be, ought to show that the vote of the House was regulated by rule, rather than by expedience. On a question so important as that of Representation, the measure agreed to ought to result from some established principle. As the bill now stands, it will appear altogether arbitrary; and rights in which all are concerned, seem to flow more from grace, and the strength of a majority, than a settled system. If there is a principle in the bill, it is to be discovered merely in its provisions; whereas, on such a subject, its light, destined to guide the understanding, ought to be steady and apparent, and

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not glimmer dimly through the intricate wind-lags of various provisions. These ought to have been natural conclusions, resulting from the principle, rather than the sources from which it is to be inferred. It ought to have been settled as soon as the bill came in, and before a vote indicative of it had been moved. As the whole of this subject had been hitherto completely sifted, he would make but one or two remarks. The framers of the Constitution could never have thought of this mode of applying a ratio. All the guards in favor of State Governments, show that the States were viewed respectively and severally. The laws relative to elections are entirely and exclusively in the hands of the States. Had the Convention intended the aggregate of the whole, and not of States, should be the object of apportionment by ratio, they would have kept the election law in the hands of Congress; they would have empowered Congress to divide the Continent into districts. If New Hampshire has five members here, and her aggregate divided by thirty thousand would give her but four, (which is the case,) she will have an undue influence on this floor; as the weight and power that any State has here, ought to be but equal to her numbers. It has been laid down as doctrine here, that every member represents the whole. He could not comprehend the force of that position in the use and latitude in which it was applied. He would not annex any meaning to theoretical truths, which did not admit of a wholesome practice. A member here represents his constituents; he legislates for the whole. The people whose rights and interests are the subject of legislation, are a whole; from their unity of interests, and from their union of Government, results the general duty of the Representative. His responsibility to his own circle of constituents, is on his duty discharged or neglected to the whole; because the true good of the several parts consists in the general prosperity of the whole. Where a member represents one district, he meant to give, and show a truth, on the use of which alone he could conceive a practical operation to the principle of responsibility could be obtained. Any other idea of responsibility which he had ever heard, was too refined for common use. If a member from one part of the Union is to be the Representative of a part which does not elect him, agreeably to this fractional doctrine, he cannot be held in check or control by them; and the very reason that may make him hateful to them, may ingratiate him among those from whom he actually comes. Instead of cementing confidence, such a predominance given any one State, beyond what her numbers entitle her to, will sow discord and jealousy. He had an amendment ready to offer, which was, to strike out the words "within the several States," and to insert these words: "agreeably to a ratio of one member for every thirty thousand." He would vote against the motion, and against the principle on which it was founded, which, though not specified in the bill, was obvious, and take the liberty of moving his amendment, if the motion now before the Committee failed, which he hoped would be the case.

Mr. BOUNDINOT said, he could have wished that, as the House had gone into a Committee of the Whole, the gentleman [Mr. MURRAY] had brought forward a proposition, as he is abundantly able to do, which would give the bill the consistency he wished for. He then entered into a defence of the proposition, and justified its friends from the charge of inconsistency. He had been in favor of forty thousand; if that had been agreed to, he should have applied it as it is now proposed in respect to thirty thousand. He replied to several objections, by explaining the Constitution.

Mr. BENSON moved an amendment as a substitute for Mr. VINING's proposition, expressly apportioning the representation on the aggregate number of the people of the United States. This he moved in conformity to the idea of Mr. MURRAY, who contended that there was no principle in the bill.

Mr. VINING, on this, withdrew his proposition.

The debate was continued on Mr. BENSON's motion, and was finally negatived—33 to 24.

The Committee then rose, and had leave to sit again.

FRIDAY, February 17.

The SPEAKER laid before the House a Letter and Memorial from D. L. Morell, of the Island of St. Domingo, suggesting a plan for the civilization of the Indians; which were read, and ordered to lie on the table.

On a motion made and seconded, *Resolved*, That it be a Standing Order of this House that, whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons except the members and the Clerk, and so continue during the reading of such communications, and during all debates and proceedings to be had thereon. And that, when the SPEAKER, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

APPORTIONMENT BILL.

The House again resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States according to the first Enumeration; and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven; and after some time spent therein, the Committee rose and reported progress and obtained leave to sit again.

FRIDAY, February 20.

A memorial and petition of sundry merchants of the State of North Carolina, engaged in com-

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Apportionment Bill—Settlement of Claims.

[FEBRUARY, 1792.]

merce, previous to the late Revolution, was presented to the House and read, stating the peculiar hardships under which they labor, from the twofold causes of the operation of the fourth article of the Definitive Treaty of Peace, and so much of the act of Congress for funding the public debt, as redeems the old Continental money, at the rate of one hundred dollars thereof, for one dollar specie; the former requiring them to pay their British debts in sterling money, with full interest to the present time, and the latter depriving them of all hope of indemnity, from the effects of depreciation and tender laws, to which they were exposed during the war, and praying relief. Referred to the Committee of the Whole House on the state of the Union.

APPORTIONMENT BILL.

The House again resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives, after the third day of March, one thousand seven hundred and ninety-seven."

Mr. SENEY moved that the third and fourth sections, which provide for an apportionment of the representation on the Second Census, &c. should be struck out. This motion occasioned some debate, and was disagreed to.

The blank for the ratio of representation on the Second Census, was filled with "thirty thousand."

The bill was then reported to the House with the amendments. These were taken into consideration, and severally agreed to.

Mr. DAYTON then moved to strike out the second section, which provides for a second enumeration in five years; and called the yeas and nays; which were taken, and stood as follow:

YEAS.—Robert Barnwell, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Philip Key, Aaron Kitchell, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, and Alexander White—23.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Thomas Fitzsimons, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Huger, John W. Kittera, John Laurance, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Josiah Parker, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Abraham Venable, John Vining, Anthony Wayne, and Francis Willis—26.

Mr. SENEY renewed his motion for striking out the third and fourth sections, which respect the ratio of representation on the Second Census, and called for the yeas and nays; which were taken and stood as follow:

YEAS.—Robert Barnwell, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jo-

nathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, Samuel Livermore, Andrew Moore, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, and Thomas Tudor Tucker—25.

NAYS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, John Brown, William Findley, Thomas Fitzsimons, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Huger, John W. Kittera, John Laurance, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, William Vans Murray, Josiah Parker, William Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, and Francis Willis—26.

On filling up the blank in the fourth section with "thirty thousand," the yeas and nays were taken and stood thus:

YEAS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, John Brown, William Findley, Thomas Fitzsimons, Samuel Griffin, Thomas Hartley, Daniel Huger, Philip Key, John Laurance, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, and Francis Willis—29.

NAYS.—Robert Barnwell, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, James Hillhouse, Israel Jacobs, Aaron Kitchell, John W. Kittera, Amasa Learned, Samuel Livermore, Andrew Moore, Nathaniel Niles, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, and George Thatcher—22.

The other amendments to the said bill were then severally again read, and agreed to.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Mr. LIVERMORE laid a motion on the table to the following purport: "That a committee should be appointed to report a bill authorizing the officers of the Treasury to settle the claim on the estate of General Greene, so as that the said estate may be indemnified from the claims against it, by virtue of his having become security for certain contractors, who furnished clothing and rations to the army of the United States, in the State of South Carolina."

SETTLEMENT OF CLAIMS.

The House went into Committee of the Whole on a bill providing for the settlement of the claims of certain persons, under particular circumstances, barred by the limitations heretofore established—Mr. W. SMITH in the Chair.

The object of this bill is, to admit the claims of such officers, soldiers, artificers, sailors, and marines, as may have been inevitably precluded from presenting them, within the times prescribed by the ordinances of the late Congress, dated the 2d November, 1785, and 23d July, 1787.

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Election of President—Apportionment Bill.

[H. OF R.]

The Committee agreed to sundry amendments, which were reported. The House adopted several of them; others were proposed, but not decided on. Adjourned.

TUESDAY, February 21.

A message from the Senate, informed the House that the Senate disagree to the last, and agree to all the other amendments proposed by this House to the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President." The Senate have also appointed a committee, jointly, with such committee as shall be appointed on the part of this House, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may, without great inconvenience, be postponed to the next session, that the proceedings may be so regulated as to close this session by the first Tuesday in April next.

Mr. GOODHUE, Mr. WADSWORTH, Mr. LAURANCE, Mr. WHITE, and Mr. MACON, were appointed a committee on the part of this House, for the purpose expressed in the message from the Senate.

ELECTION OF PRESIDENT, &c.

The House then proceeded to reconsider their last amendment, disagreed to by the Senate, to the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President." Whereupon, the said amendment being read as follows:

Strike out the ninth section in the words following:

"And be it further enacted, 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 of the United States, until the disability be removed, or a President shall be elected."

And in lieu thereof, insert:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

A motion was made, and the question being put, that the House do recede from the said amendment—it passed in the affirmative—yeas 31, nays 24, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell,

John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, William Vans Murray, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Israel Smith, William Smith, Peter Sylvester, Thomas Tudor Tucker, and Jeremiah Wadsworth.

NAYS.—Abraham Baldwin, John Brown, Nicholas Gilman, Samuel Griffin, William Barry Grove, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

APPORTIONMENT BILL.

An engrossed bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven, was read the third time, and the blanks therein filled up; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 34, nays 16, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Egbert Benson, Abraham Clark, William Findley, Thomas Fitzsimons, Samuel Griffin, William Barry Grove, Thomas Hartley, Israel Jacobs, Philip Key, John W. Kittera, John Laurance, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, William Smith, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Aaron Kitchell, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Israel Smith, Jonathan Sturges, George Thatcher, and Jeremiah Wadsworth.

SETTLEMENT OF CLAIMS.

The House resumed the consideration of the amendments reported by the Committee of the Whole House yesterday, to the bill providing for the settlement of claims of persons under particular circumstances, barred by the limitations heretofore established; and the same being read was agreed to. The said bill was then further amended, and, together with the said amendments, ordered to be engrossed, and read the third time to-morrow.

THE MILITIA BILL.

The House resolved itself into a Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States. The first section being read—

Mr. STURGES said, that he conceived some amendment was necessary to this section. It appears to consider the militia of the several States, as the militia of the Union; whereas the Consti-

H. OF R.]

Apportionment Bill—Settlement of Claims.

[FEBRUARY, 1792.]

merce, previous to the late Revolution, was presented to the House and read, stating the peculiar hardships under which they labor, from the twofold causes of the operation of the fourth article of the Definitive Treaty of Peace, and so much of the act of Congress for funding the public debt, as redeems the old Continental money, at the rate of one hundred dollars thereof, for one dollar specie; the former requiring them to pay their British debts in sterling money, with full interest to the present time, and the latter depriving them of all hope of indemnity, from the effects of depreciation and tender laws, to which they were exposed during the war, and praying relief. Referred to the Committee of the Whole House on the state of the Union.

APPORTIONMENT BILL.

The House again resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives, after the third day of March, one thousand seven hundred and ninety-seven."

Mr. SENEY moved that the third and fourth sections, which provide for an apportionment of the representation on the Second Census, &c. should be struck out. This motion occasioned some debate, and was disagreed to.

The blank for the ratio of representation on the Second Census, was filled with "thirty thousand."

The bill was then reported to the House with the amendments. These were taken into consideration, and severally agreed to.

Mr. DAYTON then moved to strike out the second section, which provides for a second enumeration in five years; and called the yeas and nays; which were taken, and stood as follow:

YEAS.—Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Philip Key, Aaron Kitchell, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, and Alexander White—23.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Thomas Fitzsimons, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Huger, John W. Kitters, John Laurance, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Josiah Parker, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Abraham Venable, John Vining, Anthony Wayne, and Francis Willis—26.

Mr. SENEY renewed his motion for striking out the third and fourth sections, which respect the ratio of representation on the Second Census, and called for the yeas and nays; which were taken and stood as follow:

YEAS.—Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jo-

nathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, Samuel Livermore, Andrew Moore, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, and Thomas Tudor Tucker—25.

NAYS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, John Brown, William Findley, Thomas Fitzsimons, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Huger, John W. Kitters, John Laurance, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, William Vans Murray, Josiah Parker, William Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, and Francis Willis—26.

On filling up the blank in the fourth section with "thirty thousand," the yeas and nays were taken and stood thus:

YEAS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, John Brown, William Findley, Thomas Fitzsimons, Samuel Griffin, Thomas Hartley, Daniel Huger, Philip Key, John Laurance, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, and Francis Willis—29.

NAYS.—Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, James Hillhouse, Israel Jacobs, Aaron Kitchell, John W. Kitters, Amasa Learned, Samuel Livermore, Andrew Moore, Nathaniel Niles, Jeremiah Smith, William Smith, Jonathan Sturges, and George Thatcher—32.

The other amendments to the said bill were then severally again read, and agreed to.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Mr. LIVERMORE laid a motion on the table to the following purport: "That a committee should be appointed to report a bill authorizing the officers of the Treasury to settle the claim on the estate of General Greene, so as that the said estate may be indemnified from the claims against it, by virtue of his having become security for certain contractors, who furnished clothing and rations to the army of the United States, in the State of South Carolina."

SETTLEMENT OF CLAIMS.

The House went into Committee of the Whole on a bill providing for the settlement of the claims of certain persons, under particular circumstances, barred by the limitations heretofore established—Mr. W. SMITH in the Chair.

The object of this bill is, to admit the claims of such officers, soldiers, artificers, sailors, and marines, as may have been inevitably precluded from presenting them, within the times prescribed by the ordinances of the late Congress, dated the 2d November, 1785, and 23d July, 1787.

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Election of President—Apportionment Bill.

[H. OF R.]

The Committee agreed to sundry amendments, which were reported. The House adopted several of them; others were proposed, but not decided on. Adjourned.

TUESDAY, February 21.

A message from the Senate, informed the House that the Senate disagree to the last, and agree to all the other amendments proposed by this House to the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President." The Senate have also appointed a committee, jointly, with such committee as shall be appointed on the part of this House, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may, without great inconvenience, be postponed to the next session, that the proceedings may be so regulated as to close this session by the first Tuesday in April next.

Mr. GOODHUE, Mr. WADSWORTH, Mr. LAURANCE, Mr. WHITE, and Mr. MACON, were appointed a committee on the part of this House, for the purpose expressed in the message from the Senate.

ELECTION OF PRESIDENT, &c.

The House then proceeded to reconsider their last amendment, disagreed to by the Senate, to the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President." Whereupon, the said amendment being read as follows:

Strike out the ninth section in the words following:

"And be it further enacted, 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 of the United States, until the disability be removed, or a President shall be elected."

And in lieu thereof, insert:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

A motion was made, and the question being put, that the House do recede from the said amendment—it passed in the affirmative—yeas 31, nays 24, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell,

John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, William Vans Murray, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Israel Smith, William Smith, Peter Sylvester, Thomas Tudor Tucker, and Jeremiah Wadsworth.

NAYS.—Abraham Baldwin, John Brown, Nicholas Gilman, Samuel Griffin, William Barry Grove, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

APPORTIONMENT BILL.

An engrossed bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven, was read the third time, and the blanks therein filled up; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 34, nays 16, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Egbert Benson, Abraham Clark, William Findley, Thomas Fitzsimons, Samuel Griffin, William Barry Grove, Thomas Hartley, Israel Jacobs, Philip Key, John W. Kittera, John Laurance, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, William Smith, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Aaron Kitchell, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Israel Smith, Jonathan Sturges, George Thatcher, and Jeremiah Wadsworth.

SETTLEMENT OF CLAIMS.

The House resumed the consideration of the amendments reported by the Committee of the Whole House yesterday, to the bill providing for the settlement of claims of persons under particular circumstances, barred by the limitations heretofore established; and the same being read was agreed to. The said bill was then further amended, and, together with the said amendments, ordered to be engrossed, and read the third time to-morrow.

THE MILITIA BILL.

The House resolved itself into a Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States. The first section being read—

Mr. STURGES said, that he conceived some amendment was necessary to this section. It appears to consider the militia of the several States, as the militia of the Union; whereas the Consti-

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Cod Fisheries.

[FEBRUARY, 1792.]

from the term *general welfare*, abstractedly from the specification of some particular authority, are dangerous in the extreme to rights constitutionally reserved, and ought ever to be viewed with great caution and suspicion. They serve directly to show that this Government is not only consolidated in all its parts, but that it is a consolidated Government of unlimited discretion; that it contains no constitutional limitation or restriction. If any given authority be inferred from the term *general welfare* in the abstract, any other authority is equally deducible from it, because the term is applicable to every possible object of Government, and differs only in degree, as to the several Governmental objects.

He could not see the force of the novel and curious distinction taken by a gentleman from Connecticut [Mr. HILLHOUSE] between *general welfare* and *particular welfare*; for every particular welfare, however minute, may be in a degree for the general welfare, and if the decision respecting the existence of this distinction, have no other limitation than Congressional discretion, it is equally destructive of all constitutional restraint. Gentlemen who have advocated this principle of construction, appear startled at some consequences suggested to result from it, and have denied that they have made the admission of such consequences. This is true, nor have those in reply so asserted, but they have taken up the principles of construction furnished by its advocates, and made the application of it to the consequences which they themselves infer; and if the principle be admitted, it is undeniable that the conclusions drawn from it will necessarily follow in their utmost latitude.

A gentleman from South Carolina [Mr. BARNWELL] confidently spoke of the inherent rights of this Government; this is a new source of authority, and totally inapplicable to this Government. If there be inherent rights in Governments at all, they must belong to Governments growing out of a state of society, and not to a Government deriving all its authorities by charter from previously existing Governments, or the people of those Governments. In such a Government, the exercise of every authority not contained in the instrument, or deducible from it by a fair and candid construction, is an unjustifiable assumption and usurpation. He did not mean to analyze this subject further at this time, and had been led into these general remarks, because the impatience of the Committee to have the question upon striking out the section, had caused him to refrain from delivering these sentiments at that time.

He would remark further, that bounties in all countries and at all times, have been the effect of favoritism; they have only served to divert the current of industry from its natural channel, into one less advantageous or productive; and in fact, they are nothing more than Governmental *thefts* committed upon the rights of one part of the community, and an *unmerited* Governmental *munificence* to the other. In this country, and under this Government, they present an aspect peculiarly *dreadful* and *deformed*.

To contemplate the subjects upon which bounties are to operate in the United States, the nature of the Government to dispense them, the State preferences which now do and will forever, more or less, continue to exist, the impossibility of an equal operation of bounties throughout the United States, upon any subject whatever, should be considered; and one of these two effects will necessarily follow the exercise of them; either the very existence of the Government will be destroyed, or its administration must be radically changed, it must be converted into the most complex system of tyranny and favoritism.

He observed, that it is not unfrequent at this time to hear of an Eastern and Southern interest, and he had for some time silently and indignantly seen, or thought he saw, attempts by this means to influence the deliberations of this House upon almost every important question. So far as he was the insulted object of these attempts, he felt that contempt for their authors, which appeared to him to be the correspondent tribute to the impurity of their designs; yet he thought that this had been the most formidable and effectual *ministerial machine* which had been yet used in the administration of Government. But one great mischief he apprehended from establishing the principle of the unrestrained right to grant bounties, will be, that it will make the difference of interest between Eastern and Southern, so far as they differ in their respective States of manufacture and agriculture, real, which is now only ideal. It will make that party real, which is now artificial. The jealousies and suspicions arising from *party*, will then have a substantial foundation, which now have no foundation in fact, but are ingeniously stimulated by a few, for the purpose of effecting particular objects; as long as the Government shall be administered liberally and impartially, as long as the principle of reciprocal demand and supply between East and South shall remain inviolate, so long there can exist no essential distinct interest between them; but the instant bounties or Governmental preferences are granted to occupation, that instant is created a separate and distinct interest, not wholly between East and South, but between the manufacturer and the cultivator of the soil. There will still exist a community of agricultural interest throughout the United States, and he hoped the time was not far distant, when a common sympathy will be felt by the whole of that class of the community. For these reasons, he hoped the motion would prevail.

The bill having been gone through with, and amended, the Committee rose and reported it with amendments which the House immediately took into consideration and adopted. The bill was then further amended and the House adjourned.

THURSDAY, February 9.

THE COD FISHERIES.

The bill sent from the Senate, entitled "An act for the encouragement of the Bank and other Cod Fisheries, and for the regulation and government of the fishermen employed therein," together with

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Cod Fisheries—Election of President.

[H. OF R.]

the amendments thereto, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative—yeas 38, nays 21, as follows:

YEAS.—Messrs. Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, Frederick Augustus Muhlenberg, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tredwell, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Messrs. John Baptist Ashe, Abraham Baldwin, John Brown, William B. Giles, William Barry Grove, Daniel Heister, Philip Key, Nathaniel Macon, John Francis Mercer, Andrew Moore, William Vans Murray, John Page, Josiah Parker, Joshua Seney, John Steele, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Resolved, That the title of the said bill be, "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein."

Mr. LAURANCE presented a petition from the tanners and carriers of the city of New York, praying relief from the hardships they labor under, in consequence of the exportation of tanners' bark. Referred to a select committee.

ELECTION OF PRESIDENT, &c.

The House then resolved itself into a Committee of the Whole, Mr. W. SMITH in the Chair, on a bill (received from the Senate) relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President.

The ninth section was struck out, in which the President of the Senate *pro tempore* was designated to act as President in case of vacancies in both of the above mentioned offices.

A motion was then made to add a new section to the bill, appointing the senior Associate Judge as the person to fill the vacancy. A motion was made to amend this proposition, by substituting the Secretary of State, instead of the senior Associate Judge. A short debate ensued, after which, the Committee rose without taking the question, reported progress, and obtained leave to sit again.

FRIDAY, February 10.

Resolved, That the Secretary of State lay before the House copies of such laws as have been adopted and published by the Governor and Judges of the territory Northwest of the Ohio.

Ordered, That the Clerk be directed to furnish the sitting member, and the petitioner, James Jackson, at the request of either party, with copies of all such documents, evidences, and testimony,

as are in his possession, or that may come to the hands of the SPEAKER, previous to the time of trying the validity of the election of a member to represent the lower district of the State of Georgia, in the Congress of the United States.

ELECTION OF PRESIDENT, &c.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" and, after some time spent therein, reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were read, and are as follow:

Strike out the ninth section, in the words following:

"*And be it further enacted*, 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 of the United States, until the disability be removed, or a President shall be elected."

In lieu of the said ninth section, insert:

"*And be it further enacted*, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

Whereupon, the said first amendment being again read, and the question put to strike out the said ninth section, in the words following:

"*And be it further enacted*, 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 of the United States, until the disability be removed, or a President shall be elected."

It was resolved in the affirmative—yeas 32, nays 22, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Andrew Gregg, William Barry Grove, Israel Jacobs, Philip Key, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Abraham Clark, Elbridge Gerry, Benjamin Goodhue, Daniel Heister, James Hillhouse, Daniel Huger, Aaron Kitchell, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, William Smith, Peter Sylvester, Thomas Tudor Tucker, and Jeremiah Wadsworth.

H. OF R.]

Apportionment Bill.

[FEBRUARY, 1793.]

The second amendment being again read, and the question put to insert in lieu of the said ninth section, the words following:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

It was resolved in the affirmative.

The House then proceeded to the farther consideration of the said bill; made some progress therein, and then adjourned.

MONDAY, February 13.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to continue an act entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations;" and that Mr. STERRETT, Mr. BOURNE, of Rhode Island, and Mr. BALDWIN, be the said committee.

The House resumed the consideration of the bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" Whereupon—

Resolved, That the said bill, with the amendments, be again recommitted to a Committee of the Whole House to-morrow.

APPORTIONMENT BILL.

The House resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration and an Apportionment of Representatives, after the third day of March, one thousand seven hundred and ninety-seven—Mr. SMITH, of South Carolina, in the Chair. The bill was read through by the Clerk.

The first section being repeated by the Chairman, Mr. SNEY moved that the blank should be filled with the word "thirty," which would determine that the ratio of representation should be 30,000.

This motion was opposed by Mr. HILLHOUSE, on the old ground of its unequal operation.

Mr. GERRY replied to Mr. HILLHOUSE. He observed that this apportionment on the aggregate Federal number would be more equal than by the ratio of 33,000; but this had been rejected by the Senate; and as the ratio of 33,000 would not perfectly cure the difficulty, and would operate to reduce the whole number of the Representatives, he conceived that no new light had been thrown on the subject to induce the House to consent to such diminution.

Mr. MERCER entered into a general view of the subject. He supported a large representation, and urged its importance, as it respects the democratical part of the community. The theory of Go-

vernment is the same, whether it respects a free or a despotic Government; it is not a small number that can govern in any country. Standing armies supply in Despotic Governments the place of a large representation in a Free Government. Still, the operations of Government, in both cases, depend on a large number of people.

The question for inserting 30,000 was carried in the affirmative—30 to 21.

Mr. MERCER then moved to strike out "the third day of March, 1793," and to insert "the first day of October, 1792"—referring to the period when the States shall be represented by the number arising from the first enumeration. He informed the House that Virginia had already made provision to send forward their supplementary numbers. He urged the right of the States respectively to fill up their representation agreeably to the enumeration, &c.

Mr. GERRY supported the motion.

Mr. HILLHOUSE suggested another mode. He proposed that the present Congress should expire after the present session, and a new House be elected agreeable to the census, to meet at the time to which the present Congress may be adjourned. He urged many advantages which would result from this plan.

Mr. MERCER said, his idea was, that the choosing these additional members would be only filling up vacancies.

Mr. MURRAY was for striking out "the third day of March, 1793," for the purpose of inserting an earlier day. The great objection is its inconvenience. It is said the members which now compose this House will have to continue by law another session, and the supplemental members would have to continue but to fill the intermediate space of time from the election to the 3d of March. He begged gentlemen to give him leave to say, that the only possible obstacle to their thinking as he did arose from themselves—from a desire, he would not say how disinterested, to continue in power longer than they were entitled to remain under the Constitution. The act of Congress declaratory of the time which members were to continue was the sole obstacle to the gratification of the people in one of their best rights. This act, founded in error, ought previously to be repealed, and then no difficulty, either from the construction of the Constitution or from inconvenience, could be raised to the wish that the additional Representatives should take their seats immediately after the next general election. This act produced a mischievous and unthought-of solecism in the Government. It separated representation from confidence, and violated responsibility, which is the very soul of the Government. The people could not but be astonished that, after the last general election, the members of Congress whom they had not chosen still continued there to hold their seats, and to act as upon their confidence and trust. Surely one of the most obvious truths in a Government by representation is, that election shall be the criterion of confidence, and that a continuance to discharge a trust after it is withdrawn overturns every idea of representation.

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Election of President.

[H. of R.]

He wished the Committee to reflect that the principal objection to the motion was easily removed, if members would act a disinterested part; and that if it be admitted that the duration of the present Congress is the objection to the admission of the supplemental members, gentlemen cannot hesitate between the gratification of what evidently appears to be the rights of the people, under a fair construction of the Constitution, and a declaratory law, which is repealable, and which is so contrary to reason. The objection is removable—the right is permanent. It is certainly of more consequence to adhere to the principle of a just and numerous representation, and to adopt an early day to give it operation, than to give the principle the go-by, merely to support a stretched duration of our term, under a law that oversets the most obvious truths and reasoning on representation. As to the members from Georgia, if the law giving an extra term to the seats of members was not repealed, he would still vote for Georgia's having three members till the term expired; but at all events he hoped the motion would be agreed to.

The motion was finally disagreed to.

TUESDAY, February 14.

Mr. STERRETT, from the committee appointed, presented a bill declaring the consent of Congress to a certain act of the State of Maryland, and to continue for a longer time "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia and Rhode Island and Providence Plantations; which was received, and read twice and committed.

ELECTION OF PRESIDENT, &c.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President."

A motion made yesterday, to insert a clause restricting the number of Electors to the number of the present Senate and House of Representatives, being put and negatived—

Mr. GERRY moved to insert a clause which specifies that "the Electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President thus to be chosen should come into office: *Provided, always,* That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives."

This motion, with very little objection, was adopted; its propriety will appear from the following remarks made by Mr. MURRAY, who said

he was in favor of the whole, both the proposition and the proviso: the first meditates a more equal representation of the wishes of the people of America in the election of the two great officers of the State; the proviso guards against a confusion which might take place without the provision. The present representation in Congress is by no means equal; the States, in their conventional deliberation, produced the present proportion of Representatives more from compromise than authenticated data; no census had then measured to the public the proportions of population which one State bore to another; and Representatives, including Senators and Electors of President and Vice President, being the same in number, and the scale of Representatives being unfounded in facts and evidence, the inequality, which is evident, is not to be wondered at. This proposition remedies the inequality; the proviso was not perfectly agreeable to his wishes; but as it refers the number of Electors to a scale of representation ascertained by an actual enumeration, and at the same time will remove the probability of confusion by making each State uniform with others as to the rule of fixing the number of Electors; he should vote for it. This was a great object attained. It is not a difficult thing to foresee, without jealousy or suspicion, that, unless the States are uniform as to the rule of apportioning Electors, the repose of the Union might be violated. Should this law refer to an apportionment to be hereafter made by Congress, this event might take place. A disagreement might happen between this House and the Senate, and, in the tumults and contumacy by which they might be agitated towards each other, no apportionment might be made; in this situation the Executive would be left at the mercy of the two Houses, and the order of things violently deranged. But even if the people, having a census before them, though not acted on by Congress, were to make their elections agreeably to what might be their respective ideas of the apportionment to which the census apparently entitled them, yet we are not certain that they would all act by a uniform rule; and, if they acted without such rule, there might appear before the tribunal of the public two Presidents, or two men of great power claiming the Presidency of America. This would be an evil of great and alarming size, and one which he so much deprecated, that he willingly yielded to this proviso, which he thought would tend to lessen the opportunity by which designing men could effect it.

Ordered, That the said bill be read the third time to-morrow.

WEDNESDAY, February 15.

The bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President," together with the amendments thereto, was read the third time and passed.

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John Churchman—Militia Bill—Protection of the Frontier.

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of public money between the 1st of October and the 31st of December, 1791, inclusive; which were read, and ordered to be referred to Mr. FITZSIMONS, Mr. LAURANCE, and Mr. AMES.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, covering his report on the petition of the executors of Edward Carnes, deceased; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

A memorial of the merchants of New York trading to India and China was presented to the House and read, praying the patronage and encouragement of the General Government, either by prohibiting foreigners from interfering in the said trade, or making a greater difference than now exists between duties on goods imported into the United States immediately from Asia and those brought by the way of Europe.

Ordered, That the said memorial be referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH, of South Carolina, from the committee appointed to examine whether any, and what, alterations are necessary to be made in the acts establishing the Treasury and War Departments, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Tuesday next.

PETITION OF JOHN CHURCHMAN.

The House proceeded to consider the report of the committee to whom was referred the petition of John Churchman. Whereupon,

Resolved, That this House doth agree to the said report, in the words following:

“That the said Churchman, having pursued his inquiries into his theory of the variation of the magnetic needle, has found a number of observations, made in different parts of the world, which confirm his hypothesis; that, animated by this circumstance, and applauded for his ingenuity by several learned societies in Europe, which have looked up to him for the prosecution of his plan for establishing the truth of his theory, he has been emboldened to ask again the aid of the General Government of the United States to enable him to gratify the expectations of the philosophical world, and to put his theory to an immediate and the strictest scrutiny. The committee are free to declare it as their opinion, that Mr. Churchman’s ingenuity, displayed in proposing and supporting his theory, and his labors in prosecuting his examination thereof, entitle him to the applause of the enlightened world, and to the encouragement and support of his country. And it is the opinion of the committee that, as a more perfect knowledge of the laws of magnetism, and the variation of the magnetic needle, is greatly to be desired, as it would furnish a ready means of adjusting and preventing disputes respecting the boundaries of ancient surveys of land, and of correcting many inaccuracies in geographical charts, and in the journals of the courses and distances run by vessels at sea, every possible encouragement ought to be given to all persons who, by their theories, confirmed by observations, contribute towards the perfecting this desirable knowledge; and that, as the United States are peculiarly interested in whatever can adjust or prevent disputes between their citizens, and can improve geography and

navigation, ‘the Congress of the United States may, with great propriety, patronize such a person as Mr. Churchman, and grant him such aid as may be necessary to enable him to prosecute his laudable inquiries to good effect;’ but the committee submit to the wisdom of the House to say whether, in the present circumstances of the United States, such grant shall now be made. As to that part of the memorial which states that, in the act for the encouragement of learning, by securing the copies of maps, charts, and books, to their authors and proprietors, the penalty annexed to the offences of copying such maps and charts was too small, and by no means adequate to the offence, and praying for an act to amend the same, the committee are of opinion that the prayer of the memorialist is reasonable, and that the copyright of maps, charts, tables, and prints, ought to be secured to their respective authors, or their assigns, by greater penalties than those declared in the act aforesaid.”

Ordered, That a bill or bills be brought in, pursuant to the said report, and that Mr. PAGE, Mr. GOODHUE, and Mr. GREGG, do prepare and bring in the same.

MILITIA BILL.

The House again resolved itself into a Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States; and, after some time spent therein, the Committee rose and reported progress.

THURSDAY, March 1.

Mr. GOODHUE, from the joint committee of the two Houses appointed to consider and report what business is necessary to be done by Congress in the present session, made a report; which was read, and ordered to lie on the table.

Mr. WILLIAMSON, from the committee appointed, presented a bill to amend an act entitled “An act to promote the progress of Useful Arts;” which was received, and read the first time.

The House again resolved itself into a Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States; and, after some time spent therein, the Committee rose and reported progress.

PROTECTION OF THE FRONTIERS.

Mr. SEDGWICK, from the managers appointed on the part of the House to attend the conference with the Senate on the subject-matter of the amendment depending between the two Houses to the bill entitled “An act for making further and more effectual provision for the protection of the frontiers of the United States,” made a report. Whereupon,

Resolved, That this House doth recede from their disagreement to the amendment of the Senate for striking out the fourteenth section of the said bill; also, that this House doth recede from their disagreement to the amendments of the Senate to the sixteenth section, and doth agree to the said several amendments without amendment.

Resolved, That this House doth agree to an

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amendment and modification of the fifteenth section, to read as follows:

And be it further enacted, That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided*, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms, and accoutrements, and at his own risk, and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith."

Ordered, That the Clerk of this House do acquaint the Senate therewith.

FRIDAY, March 2.

A bill to amend an act entitled "An act to promote the progress of Useful Arts" was read the second time, and ordered to be committed to a Committee of the Whole House on Friday next.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for reducing the rates of postage on newspapers; and that Mr. GERRY, Mr. MURRAY, and Mr. FINDLEY, be the said committee.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to ascertain and regulate the claims to half-pay and to invalid pensions," with several amendments, to which they desire the concurrence of this House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for finishing the light-house on Bald Head, at the mouth of Cape Fear river, in North Carolina; and that Mr. GROVE, Mr. KEY, and Mr. BARNWELL, be the said committee.

A message from the Senate informed the House that the Senate have agreed to the modification of the amendments depending between the two Houses to the bill entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," conformably to the report of the Joint Committee of Conference.

The House again resolved itself into a Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States; and, after some time spent therein, the Committee rose, and reported several amendments thereto. *Ordered*, That the said report do lie on the table.

A memorial and petition of the Directors of the Ohio Company of Associates was presented to the House and read, praying that Congress will grant them such terms and conditions for the completion of their contract with the late Board of Treasury, and for confirming their title to the tract of land then purchased, as will relieve them from the danger, difficulty, and distress, in which the said company are now involved, from causes which have arisen since the purchase, and which were then wholly unforeseen.

Ordered, That the said memorial and petition be referred to Mr. SEDGWICK, Mr. FINDLEY, Mr. BENSON, Mr. LEARNED, and Mr. BALDWIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

SATURDAY, March 3.

A petition of Timothy Pickering, Quartermaster General, praying that the officers of the Treasury may be authorized to apply a certain sum of money, heretofore granted to discharge claims against his Department, to the payment of demands of certain public creditors in the State of New York, who the petitioner conceives are, from their peculiar circumstances, unjustly precluded by the act of limitation. Referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. GOODHUE, from the committee appointed, reported a "bill for enrolling and licensing ships and vessels employed in the coasting trade and fisheries, and for regulating the same."

Mr. FINDLEY presented nine petitions from the inhabitants of Chester county, in the State of Pennsylvania, praying a revision of the Excise law.

The House proceeded to the consideration of the amendments offered by the Senate, to the "bill to ascertain and regulate the claims to half-pay and to invalid pensions." Some they agreed to, and disagreed to others.

A Message was received from the President of the United States, together with a copy of the Return made to him of the number of the Inhabitants within the District of South Carolina.

A Report from the Secretary of the Treasury respecting compensations to the Commissioners of Loans, was read and referred to a select committee, consisting of Messrs. B. BOURNE, MERCER, and TUCKER.

MONDAY, March 5.

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying a copy of the laws adopted and published by the Governor and Judges of the Territory Northwest of the Ohio, in the year one thousand seven hundred and ninety-one; which were read, and ordered to be referred to the committee to whom was referred the petition of George Turner, one of the Judges of the said Territory.

Mr. GROVE, from the committee appointed, presented, according to order, a bill for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina; which was received and read twice and committed.

A message from the Senate, informed the House that the Senate have passed the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," with several amendments; to which they desire the concurrence of this House.

A Message was received from the President of the United States, communicating to the House the translation of a Letter from the King of

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France, announcing his acceptance of the Constitution of that Kingdom. These were read and laid on the table.

A message from the Senate informed the House, that they insist on all the amendments proposed by the Senate to the bill to ascertain and regulate the claims to half-pay and invalid pensions; and propose a conference on the subjects of disagreement.

A committee of conference was appointed on the disagreement between the House and Senate, respecting the bill to ascertain and regulate the claims to half-pay and invalid pensions. Committee, Messrs. LIVERMORE, MURRAY, KITCHELL.

The amendments of the Senate to the bill providing for the relief of certain widows, &c., were read, and laid on the table.

MILITIA BILL.

The House proceeded to consider the amendments reported from the Committee of the Whole House to the bill more effectually to provide for the national defence by establishing an uniform Militia throughout the United States; and the same being severally read, some were agreed to, and others disagreed to. The said bill was then further amended; and, together with the amendments, ordered to be engrossed, and read the third time tomorrow.

TUESDAY, March 6.

A memorial of the Trustees of the University of North Carolina was presented to the House and read, praying to be reimbursed for the value of certain tracts of land in the Western Territory of the said State, which were a donation to the said University from Benjamin Smith, Esquire, and have been since ceded to the Indians, by the Commissioners of the United States, at the Treaty of Hopewell.

Ordered, That the said memorial do lie on the table.

A petition of Andrew Jackson was presented to the House and read, praying compensation for his services as Attorney for the District of Miro, in the Territory South of the Ohio. Referred to the Attorney General, with instruction to examine the same, and report his opinion thereupon to the House.

MILITIA BILL.

An engrossed bill more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States, was read the third time, and the blanks therein filled up; and, on the question that the said bill do pass,

It was resolved in the affirmative—yeas 31, nays 27; as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Egbert Benson, Elias Boudinot, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Benjamin Goodhue, William Barry Grove, James Hillhouse, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, Richard Bland Lee, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Theodore Sedgwick, Israel Smith, William Smith, John Steele, Samuel

Storrett, Jonathan Sturges, Peter Sylvester, Abraham Venable, and Alexander White.

NAYS.—Abraham Baldwin, Shearjashub Bourne, William Findley, Nicholas Gilman, James Gordon, Andrew Gregg, Samuel Griffin, Daniel Heister, Samuel Livermore, Nathaniel Macon, John Francis Mercer, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Thomas Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Artemas Ward, Anthony Wayne, Hugh Williamson, and Francis Willis.

Mr. GERRY, from the committee appointed, presented a bill for reducing the rates of postage on newspapers; which was received, and read the first time.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his Report, made pursuant to two orders of this House, of the first and second of November last; the first directing the said Secretary to report to the House such information as he may have obtained respecting any difficulties which may have occurred in the execution of the act "repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same;" together with his opinion thereupon. The second, directing him to report to the House whether any, and what, alterations in favor of the spirits, which shall be distilled from articles of the growth or produce of the United States, or from foreign articles within the same, can, in his opinion, be made in the act for laying duties upon spirits distilled within the United States, consistently with its main design, and with the maintenance of the public faith; which were read, and ordered to lie on the table.

WEDNESDAY, March 7.

A bill for reducing the rates of postage on newspapers was read the second time, and ordered to be committed to a Committee of the Whole House on Friday next.

A petition of Elizabeth Lovell, relict of Robert Lovell, deceased, was presented to the House and read, praying to receive the depreciation of pay due to her said husband, for his services as a Lieutenant, during the late war.

Mr. PAGE, from the committee appointed, presented a bill to amend the act, entitled "An act for the Encouragement of Learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned." Also, a bill "to enable John Churchman to prosecute certain observations and discoveries relative to the Northern magnetic point;" which were received and read the first time.

WIDOWS, ORPHANS, &c.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons;" and the same being read, some were agreed to, and others disagreed to.

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Ordered, That the Clerk do acquaint the Senate therewith.

A motion was made and seconded, that the House do come to the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House his opinion of the best mode for raising the additional supplies requisite for the ensuing year."

And, debate arising thereon, an adjournment was called for and carried.

THURSDAY, March 8.

A bill to amend the act, entitled, "An act for the Encouragement of Learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned," was read the second time, and ordered to be committed to a Committee of the Whole House on Wednesday next.

A bill to enable John Churchman to prosecute certain observations and discoveries relative to the Northern magnetic point, was read the second time, and ordered to a Committee of the Whole House on Monday se'nnight.

Mr. SEDGWICK, from the committee to whom was referred the memorial and petition of the Directors of the Ohio Company of Associates, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Tuesday next.

A petition of Henry Laurens, of Charleston, in the State of South Carolina, was presented to the House and read, praying that a claim presented, and referred to the Secretary of War, at the last session of Congress, and by him reported on, may now be considered and decided on.

Ordered, That the said petition be referred to Mr. SMITH, of S. C., Mr. WHITE, and Mr. CLARK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

ADDITIONAL SUPPLIES.

The House resumed the consideration of the motion made yesterday, in the words following:

Resolved, That the Secretary of the Treasury be directed to report to this House his opinion of the best mode for raising the additional supplies requisite for the ensuing year."

Mr. SEDGWICK said, that when the law was passed constituting the Department of the Treasury, and making it the duty of the Secretary to report to the Legislature plans for the management and improvement of the revenue, he had fondly indulged the hope that a great principle in the administration of the Government had been so far settled that it would not have been called in question at so early a period. This principle he then and still understood to be, that a great officer should, by appointment for that purpose and an adequate salary, be responsible to the community to produce to the consideration of the National Legislature, such systematic arrangements in the intricate business of finance, as should give the highest assurance of the support of public credit,

with the least possible burden to the citizens of America. That if this great principle remained still to be determined, he ardently wished that we might profit by the experience of other nations, and by our own: that he knew of no nation that suffered under the weight of a public debt, but had found it indispensable to its welfare to appoint some officer, whose duty it should be to superintend this important branch of business; and that, without such appointment, it was impossible for him to conceive that an orderly administration of the finances could be effected. It was not long since, that all America had attempted to provide for the public exigencies, by the undigested schemes of legislating financiers. The effects are remembered by all; the revenue was incomparably less productive, and yet the people infinitely more burdened than at present. These facts would render any other arguments superfluous with those who believed that experience was the best guide to well-founded political conclusions. But, on the other hand, if gentlemen were disposed to calculate on the data afforded by imagination, and to build systems on arguments *a priori*, not only un-sanctioned by experiment, but in opposition to all experience, we might render the debts we owed—which had been justly styled the price of liberty, and for which therefore we were under the highest obligation to provide—an intolerable burden. For he would venture to pronounce, that the measures which would result from such a desultory mode of procedure, would create grievous exactions on our constituents, disappoint the expectations of Government, and prove inadequate to the support of public credit.

By these observations, he did not mean to derogate from the responsibility of the character of the House collectively, or of any individual member of it. There might be many who had sufficient talents ably to preside in the management of our finances, provided their minds were confined to the contemplation of that subject alone. But it should be remembered, that while separated in the recess of the Legislature, the avocations of professions, or other business, left to most of the members but little leisure for the investigation of political questions; that while in session, they were obliged to pay attention to every subject of legislation committed to the National Government. That, considering the limited faculties of the human mind, he did not think gentlemen should feel themselves wounded in reputation, by the supposition that they were not, collectively, minutely acquainted with every branch of science, a knowledge of which might be involved in the subjects of our legislation. Without such an extent of information and science, a man might be an excellent legislator; otherwise the business of popular legislation must altogether cease, or be very badly managed. It would not produce the smallest uneasiness in his mind, to have it universally known that he pretended not to the deep knowledge of jurisprudence of the Attorney General, the acquaintance of the Secretary of State with the political interests and relations of the community, or the profound knowledge of the Secretary of the Trea-

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surey of the intricate subjects of finance. Yet he felt some degree of confidence in the ability which he possessed, of judging of the expediency of adopting such measures as those officers should recommend. He observed, that the House, ever since the organization of the Executive Departments, had conducted as if convinced of the justness of this reasoning, by their frequent references to the Heads of these Departments. That, particularly, when it had been suggested that the Judicial system required amendment, the subject had been referred to the consideration of the Attorney General. That when the commerce of the country came under deliberation; it was referred to the Secretary of State. That these subjects comprehended the most important and dearest interests of the people. That he heartily concurred in those references, and would take the liberty to add, that they had the support of the gentlemen who were now so strenuous in opposition to the present motion. That if the House was then right, those would not be wrong who were in favor of this question. He observed, that gentlemen, in the two cases which in argument they had supported, had given very opposite opinions of the collective character of the members of the House. When they were considering them solely devising the ways and means necessary to supply the deficiency of the revenue, they gave them all the qualities of profound financiers; but when they were to consider the reports of the Secretary, they became at once transformed into resistless dupes, incapable of manly investigation, and quietly sailing down the stream of Ministerial influence. Did gentlemen feel, in the latter instance, the want of that independence of spirit which is necessary to enable them to investigate and decide for themselves? If so, they would want much of that greatness of character which would enable them, in the former case, to act for the public benefit. It appeared, by what gentlemen had said during the course of the debate, that members were not to be absolutely restricted from receiving every species of information on this interesting subject from the man who was constitutionally selected as the best qualified to give it, and amply paid by the public to devote all his time and talents to understand and communicate respecting it. It was, however, curious to observe the narrow limits within which that information was to be restricted, and the incomprehensible mode by which it was to be obtained.

The gentleman from Virginia, [Mr. MADISON,] who had heretofore approved the references which he had mentioned, to the Attorney General and to the Secretary of State, and who had given efficient aid in making it by law the duty of the Secretary of the Treasury to report plans for the management and improvement of the revenue—had, on this occasion, taken some pains to show the consistency of his political conduct, by attempting to prove that management and improvement implied neither project nor appropriation. This gentleman had given in detail the several proceedings which ought to take place to obtain on one hand the benefit of the knowledge of the Secretary, and to maintain on the other the indepen-

dency of the House. Thus, according to his plan, was the business to be pursued. The House was, in the first place, to call on the Secretary for a state of facts; it was then to resolve itself into a Committee of the Whole, to form opinions; these opinions were then to be referred to the Secretary, for him to report respecting them a systematic arrangement. Let this scheme, so far as it is intelligible, be examined. First, the House is to obtain from the Secretary a state of facts. The House had been left to conjecture to what subjects those facts were to relate. We already knew the deficiency to be provided for—the subjects of revenue, such as were pre-occupied, and such as still remained untouched; we also knew how far those which had been occupied were productive. These facts were already known; we must not receive any opinions or argumentative deductions respecting them; this would go in destruction of the independence and purity of the House, and some gentlemen seemed to suppose, to the subversion of liberty. The facts, whatever they might be, were to be referred to a Committee of the Whole, who, as financiers, were to form opinions respecting them; and those opinions were to be sent to the Secretary for a systematic arrangement, and this systematic arrangement was to be made without suggesting any opinion. How this was to be done the gentlemen had not been pleased to declare. We only knew that no opinions were to be recommended to the adoption of the House. This was the dreadful enemy to our independence and freedom, that was to be avoided with the utmost caution. He himself had hitherto supposed, that a systematic arrangement for the execution of a complicated and intricate subject, could not be made without suggesting many opinions. That he believed this singular, and as yet inexplicable, scheme of forming systematic arrangements without opinions, would be as curious as it would be new in practice.

He said, no gentleman could doubt but that the plans of the Minister would find their way into the House, if regularly introduced, as they had hitherto been. The officer, whoever he might be, would be responsible at least in reputation to America and to the world, which alone would form the strongest motives to industry and integrity in the various plans he should recommend. That it appeared to him, that gentlemen who so strenuously opposed the present motion, would, if they should succeed in their wishes, destroy most of the benefits intended by the institution of the office of the Secretary of the Treasury, and wholly screen the officer from every species of responsibility.

Mr. GOODHUE supported the reference. He generally remarked, that in his opinion the most eligible mode to be adopted for raising the supplies on the present occasion would be by way of loan. He then entered into a consideration of the various objects which ought to be within the knowledge of every man who pretends to manage the finances of a country. He did not think it any derogation from the character of any member of the House to suppose that they were less com-

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petent to a thorough investigation of fiscal arrangements than an individual who had made the subject the particular object of his study and attention. The mischievous consequences of committing these arrangements to numbers, had been severely felt in some of the States; in the present case the House does not, however, commit its judgment—it is at liberty to approve or reject—and the measure, in fact, is only taking the best means to get the best information.

Mr. PAGE.—I shall always vote against a motion for applying to the Secretary of the Treasury for information respecting the *means* of procuring the sums of money necessary for the exigencies of Government. It is no argument to me to be told, that the act which established the Department, at the head of which that officer is placed, authorizes that motion. That act may be plead as obligatory on the Secretary to reply to such inquiry when made by Congress, but not to induce this House to make such inquiry. When that act, which is now urged in justification of the motion before the House, was under the consideration of the House which formed it, I raised my feeble voice against it. I endeavored to show, that the powers given to an officer, who was appointed by the President and Senate, and removeable by the President alone, were such as were utterly incompatible with the principles of the Constitution, and perhaps with the letter of it, as that does not permit even the independent Senate, the Representatives of the Legislatures of the several States, to originate a money bill. I remarked, that if the bill passed, it would verify the predictions of the anti-Federalists, as they were called, and would alarm many friends of the new Government. I observed that the practice of the former Congress, which was adduced as a precedent for such applications to the Secretary for his statements and reports, was not a case in point; as the Congress, under the Confederation, was looked upon as a mere diplomatic body, whose acts were revised, approved, or rejected by the State Assemblies—which shows that it was immaterial who planned the schemes of finance—whence information was derived, or who drew the acts of the then Congress, as they were not, as the laws of the present Congress are, paramount to the laws of all the States. I contended, sir, that it was the peculiar duty of this House, to originate money bills, and to devise ways and means, as they are called. I am still most decidedly of the same opinion; and I think with the member from Pennsylvania [Mr. FRITZSIMONS] that such a reference to the Secretary of the Treasury is a dereliction of our duty, and an abandonment of the trust reposed in us; and that many other references must have the appearance of an unbecoming indolence. I am also of opinion with the member from Georgia, [Mr. BALDWIN,] that if ever we make a stand, it should be on this ground. I will add, that it is high time to make that stand. For a bill having passed, which was opposed as dangerous to the Constitution, and utterly incompatible with the principles of a free Government, and indeed as inconsistent with the plain construction, and I may say the very letter of our own Constitution; and that bill

being now appealed to as a justification of a motion which can be supported on no other principles, but such as may be used to subvert our Government, and to introduce a Monarchy, as unlimited as that lately abolished in France; for surely if more wisdom can be found in a few Heads of Departments, than in the whole Representative body of the people—and if those Heads can be made responsible, whilst the Representatives are free from responsibility, and despatch and energy can be obtained without the expense of a Congress, or of this House at least, I see not why the people might not make a favorite President as absolute as the Kings of France have been, and call on Congress, like the Parliaments of Paris, only to register his edicts. I say, as this is the case, it is high time to make a stand. But we are told, that the Heads of Departments are recognised by the Constitution, and the business now required of one of them sanctioned by law; and we are also told of precedents establishing and authorizing this mode of proceeding. It is surely, then, high time for every member who views that law and such proceedings under it, in the light I do, to join with the member from Georgia, and make a stand, as he calls it. And I trust, sir, that rather than suffer that law to be thus resorted to, they will unite to amend or repeal it.

I repeat it, sir, here we should make a stand; for however well intended such measures may be, and the arguments in support of them, their tendency is mischievous, and ought to be opposed by every friend to a free Government.

The bills establishing the Departments of Government have strong Monarchical features; and have too often led Congress into the steps of Monarchical Governments. The Republican part of the British Government rely on a Committee of Ways and Means; the Heads of Departments being members of the House of Commons, are always forward to take the lead in the plans or projects of the Crown; and they have so ingeniously involved the plans of finance, that few understand the mysterious business, and therefore it is in the Minister's hands alone. Sir, the House of Commons always severely scrutinize their plans, and are not so obsequious to their Ministers, as some gentlemen are disposed to be to our Secretaries.

But what would Englishmen say, if their Parliament were to pass such a bill as this now referred to; and should call on a man, not a member of either House, but appointed by the King, with the advice indeed of the House of Lords, removeable however by the King alone, to lay before the House of Commons a plan of ways and means? Would the people of England be satisfied with the strange story of his responsibility? And of his superior abilities? But what is this responsibility so much talked of? The President may dismiss the Secretary from his office, or this House may impeach him; but when the President and Congress both are his accomplices, who will dismiss or who impeach, and where then is his responsibility? And what is to become of the people's rights, if this be the case, and this House be not accountable to the people for its acts? as a member said.

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But, sir, I will not ask what Englishmen would say on such an occasion, I will tell you what Americans have said. They have said that, under this boasted act, you might as well apply to the President in the first instance, as to any Head of Department under him, were it not for their virtue; and that, at the rate Congress have proceeded in some cases, their rights are at the mercy of Departments. But here we are asked, if we have not wisdom enough to reject an improper plan, how we could be supposed capable of devising a good one? To this, sir, I shall only reply, that when we have done our best, we shall have discharged our duty; and our bills will at least be framed according to our Constitution; and the doubting members may ask the opinion of the Secretary, if they please. One member endeavored to ridicule Republican jealousy; I thank God, although I am a Republican, I know where to direct my jealous attention, and where and when to repose confidence; when to strengthen Government and when to restrain it.

We were asked indeed, Are you afraid of truth, and unwilling to receive instruction? I answer, No. Truth is our great object, and just information our only aim; but to get at truth, respecting the most likely means of raising a revenue, with as little inconvenience as possible to our constituents, was, I conceive, a principal object in the view of the framers of our Constitution, when they instituted this House of Representatives. In this House alone I should search for truth, respecting this important question; from the Representatives of the States I should expect to receive all the necessary information respecting it; and if the Secretary be possessed of vouchers or further information, the House should call for it. In the Committee of the Whole, every inquiry should be made—resolutions be proposed, examined, amended, and when maturely considered and approved by the House, where all the further information which the Heads of Departments can give may be called for, our business would be done. I say this is the way for Congress to get at information, and to arrive at truth; but to apply, in the first instance, to a single individual must be improper—to an individual circumstanced as the Heads of Departments are—who are removable by the President—liable, from the infirmity of human nature, to local attachments, to imposition, even of ingenuity and good sense; I mean the imposition of their own theoretical reasoning, borrowed from writers on Governments not altogether resembling our own. Whatever he should propose, would come with such advantages as to require much time, and perhaps more penetration than this House could readily command, to see through and reject, if improper; but some, I know, are of opinion that a Secretary may venture to propose what no member would be hardy enough to mention. Some have doubted whether the Funding System, the Assumption, or the Excise, could have been introduced by any other means. If this be true, and these schemes be such as in the issue of them shall be attended with happy consequences, so far as we have gone, such applications to the

Secretary were right; but it is unmanly, and unbecoming the Representatives of freemen, to act in this manner, to adopt measures which we dare not propose, and to applaud them because they were planned by this or that Secretary. It is ungenerous to hold up a Secretary as responsible for errors adopted by Congress; and it is unreasonable to impose upon him a task which, although our peculiar duty to perform, we shrink from. The multitude of references already made to the Secretary of the Treasury, and the necessary length of some of his reports, leave him no leisure to attend properly to the different branches of his own Department.

But what information do we ask? We know the estimates of expenses for the present year. We have estimates of the probable amount of the revenue; and we have called for a Report of the amount of surpluses, if any, in the Treasury. We can then, as well as the Secretary, determine whether any additional revenue will be necessary; and if so, we alone ought to devise the ways and means of raising it. If despatch is necessary, it is better to determine here at once what is to be done, than to apply to the Secretary, whose plans we may, after long debates, reject. As to the Secretary of the Treasury, I acknowledge his abilities; I know too that some of his Reports do honor to his heart, as well as to his head; his gallant behaviour in the late war has commanded my highest respect and esteem; but I owe too much respect to our country to agree to the resolution before you. I wish, therefore, that this House would refer only such cases to him, as they cannot decide on without official information in his hands; and that, in the present case, the House would, in a Committee of the Whole on the state of the Union, take under their consideration the means of raising the supplies which may be found necessary for the support of Government, and protection of the frontiers.

Mr. STEELE observed that a motion to bring forward a bill for repealing the law establishing the Treasury Department, would afford a proper opportunity for the display of that oratory which the House had been entertained with yesterday and to-day; but on the present occasion, he conceived the remarks were not in point. He observed that it was customary with the first Congress to make references of subjects of this nature to the Secretary of the Treasury; the present Congress has done the same, and he had heard of nothing that suggests a sufficient reason to deviate from the practice. All the Reports that have been received have been attended to, investigated, and scrutinized with a zeal and diligence which have not marked the conduct of the House on the Reports from Select Committees. He instanced several Reports of the latter description, to which little attention had been paid. The independence of the House has been manifested in respect to Reports from Executive officers, even from the highest; and he trusted that, on all occasions, the House would continue to support its independence of character. He should always rejoice in an opportunity to oppose every Report from the Heads

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of Departments, when his judgment did not approve of them.

He contrasted the present conduct of those opposed to the motion, with their conduct on the bill providing for the defence of the frontiers. Every one who now opposes this proposition, was in favor of almost an implicit adoption of the Report from the Secretary of War. He opposed *that* report; but these gentlemen now oppose the most obvious mode of devising ways and means to defray an enormous expense, brought on the country by that very bill.

Mr. MURRAY observed, that, on such a question, his object should be to pursue what appeared to him the wisest mode of raising taxes. In agreeing, however, with the resolution and its reference, he could neither see danger in the precedent, nor surrender of constitutional right in the consequences. As to the privilege of originating money bills, when ways and means are to be sought for, his first object should be, to gain all the information the delicacy of the case demanded. The duty of exploring the resources of a country, as yet untried in many of its objects of taxation, was certainly the business of the House of Representatives; but why they should refuse to themselves an opportunity of gaining additional knowledge beyond what the leisure of any one here, or the abilities of few could collect, was extraordinary. He wished for a reference to the Secretary, in the first instance, because it would not very well comport with the dignity of the House to refer to him in the second instance. If, on trial, there should appear either a crudity or a conflicting of systems; and if, as would most probably be the case, partiality in the mover of any undebated set of resolutions, should show itself, the House must either make the most of the plans proposed, or, in the very last resort, call on the Officer of Government to suggest his opinion on the subject. The subject was extremely intricate; but part of the intricacy of taxation and finance was removed by the well-arranged order in which, he presumed, the documents relative to the Department were preserved. An act of Congress has already delineated the duties of the various Departments. To the Secretary of the Treasury, it belonged to collect information respecting the objects of taxation; to invent or adopt, and propose schemes by which the revenues were to be improved; to digest ideas on the political economy of the country, and to superintend its finances. In such a Department, he must think that a mass of information existed on the various resources of this country, and their probable productiveness, which was not necessarily to be expected elsewhere. He wished to avail himself of this information, on which he would exercise his right of judging, altering, or rejecting; and he wished to obtain it in the mode most congenial with his own mind, in an open, responsible communication to the whole House. He was certain that, though in no habits of intimacy himself, that could justify a private communication with the Secretary, nor warrant from the Secretary an unsolicited opinion to him, the opinions and ideas of the Secretary would, in some way or

other, most assuredly find their way into the House. He wished to see no Ministerial out-door influence. The whole influence of superior judgment, and of well-digested opinion, he did not fear. On the contrary, that superiority was the only one to which could bow; and the only way in which the unmixed benefit of such an influence can be felt, was that way in which the law respecting the Heads of Departments contemplated the subject. From this mode of communicating all the knowledge of the Treasury Department, two benefits would be derived: the Secretary would send to us his best opinions on the subject, and in a way of which the whole House and the public itself could avail themselves in forming a judgment; and private influence, partially and irresponsibly given to individual members, would be rendered useless. He begged leave to remark, that the objection to this mode, that the power and right was in the House of Representatives to originate money bills, could not have much weight. The House of Representatives, of right, and by the Constitution, were properly constituted the sole origin of money bills; but this reference does not deny the right, nor can it weaken its operation. A bill does not originate till the House has agreed to some principles or resolutions, or a committee reports a bill by order. Principles then established by vote, resolutions, or leave, are the only ways in which, in a Legislative sense, any thing can be known to this Government to originate in the work of legislation. He who has not a seat here, of whom, for the sake of multiplied information, we require controllable opinion, does no more originate the legislative work of the House, than the author of a work on finance, from whose opinions we form a scheme of revenue, can be said to tax the people. There is certainly this good attending a reference in such cases: a greater chance for simplicity in the system of finance, and greater stability. The opinions thus obtained are not obligatory farther than as they appear founded in wisdom; we can alter, add, or reject; a complete control is in our power. It is thus we shall unite the efficiency and regularity which are the only good parts of bad government, with the control and the right of rejection, which belong to the most free. Gentlemen, after all, will not be precluded from furnishing the House with the result of their individual labors and talents. Some gentlemen had agreed that if a Committee were to submit a plan to the House, that Committee might obtain all the intelligence necessary from the Secretary. This would, he thought, be better than obtaining information secretly by individuals, but would be very objectionable, and attended with this inconvenience: that the opinions of the Secretary on which the Committee might make their report, would be but partially known to the House, and would come into it unaccompanied by the high responsibility which an official Report from the officer, made in the face of the world, would give them. He would vote for the reference, because he wished, on so tender a subject as that of taxation, to have all possible information, because he felt his right to reject opinions to which he might not

be able to subscribe, and because he thought the House too delicate to obtain official information in any other mode than that in which they might rightfully exert their impartial judgments in its admission or rejection.

Mr. FINDLEY.—I object to the resolution for calling upon the Secretary to report upon the ways and means, as contrary to the principles of the Government, and inconsistent with the purity and independence of the House of Representatives, whose duty it is exclusively to prepare or originate revenue laws.

I consider this mode as a transfer of Legislative authority. It is a serious question, if Legislative authority can be transferred by the constitutional Representatives of the people. If it can, how far? If any part of the constitutional Legislative trust can be transferred, may not all or any part thereof be so? The opinion I have received, and in which I am firmly persuaded, is, that the Legislature, nor any branch thereof, can do any part of legislation by proxy. The members only are responsible for the discharge of that trust; they are the official judges of the principles and objects of legislation.

The House of Representatives are peculiarly intrusted with the authority of digesting fiscal arrangements and principles; of saying what shall be a subject of taxation, to what amount, and the uses to which it shall be applied. This power is supposed by the Constitution of the United States, and by the constitutions of most or all of the separate States, to be a most important and influential part of Legislative authority. Hence the Senates, though they are also the people's Representatives, are in other respects vested with equal Legislative authority, are not permitted to prepare revenue systems; their attempting to do it, would be an unconstitutional usurpation of Legislative power.

The method of transferring a power to the Secretary to digest the principles of money bills, and report them officially to the House, accompanied with his arguments in support of the principles and arrangements contained in his Report; which has been sanctioned by Congress, and is now about to be repeated by the resolution before you, I consider as a method of originating money bills highly improper in itself, and which has a dangerous tendency.

But a worthy member [I believe Mr. AMES] informs us, in defence of the resolution, that the Secretary can prepare a revenue system with more consistency with respect to the existing revenue laws, and better calculated to support public credit; that it will pass with greater facility through the House; that the members are unequal to the business; that the members do not possess sufficient information to enable them to originate the business; that the Secretary only is possessed of the information competent to it; that we can judge of his systems when they are laid before us, as there will always be some to find out his defects, and expose them. All these arguments respecting the incompetency of the members for the business, and the superior fitness of the Secretary, apply against the Government itself. If the Con-

stitution vests this House with a trust which it is not qualified to discharge, it is time to change it, and adopt a more simple form. It is much better to have a Minister responsible to the people for the revenue systems they introduce, than to have his responsibility lost in the Legislature. If the members of this House are only to give a sanction to the Minister's systems, it is better to dispense with that sanction. I have no doubt but that the Secretary of the Treasury is very capable of discharging this duty; and, if he was a member of this House, I would not say he was unfit for his part of that trust; but this is not the place for panegyric. The Minister's eminent abilities, or his want of them, is all one to me on this subject. The modesty of gentlemen who declare themselves unfit, is not very honorable to the House, nor easy to be credited. Let the House fix its own principles, judge for themselves of the proper sources of revenue, and of the uses to which it ought to be applied; and capacity and information will grow out of the investigation. If the members differ in opinion, as may be expected, they will propose different systems; and, by comparison and discussion, they will become the better acquainted with the subject. If the members stand in need of that information which arises from the operation of existing laws, or of the efficiency of operating revenues, the President has a constitutional power to call upon the Heads of Departments for that information, and communicate it to the Legislature; and the House, by its own authority, has a right to call for information from any Officer or Department, upon any subject respecting which it may originate laws. This is a power incidental to legislation. But with respect to the general interests of the community, the knowledge of which must grow out of a representation of all the local interests, this can only be found among the members of this House; and, if the representation was more numerous and more equal, that kind of information would be still more perfect. Certainly this House contains in itself more extensive knowledge of the people's wants and pressures, of their situation and prepossessions, and of their resources, than the most enlightened Minister can possibly do—especially when it is considered that all the documents locked up in the Minister's office are at their command. The practice of the House, in depending on the Minister to originate principles, and to furnish the House with volumes of arguments in favor of those principles, and the custom of members having recourse to those arguments as authorities, has done more to dishonor Congress, and lessen the members in the public esteem, since the change of the Government, than any other part of their conduct. How can Congress be respectable, if they spend long sessions, at a great expense, on the most influential parts of legislation, only to give a sanction to Ministerial systems; or, at best, only to criticise and correct them?

If, as it is alleged, the Secretary of the Treasury, framing revenue systems, is better calculated to support public credit, and gives the business a greater facility in its passage through the House—

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I say if this is true, it proves the influence to be dangerous in a high degree. Certainly, public credit, and the means of supporting it, ought to depend only on the will of the Legislature, and neither on the wisdom nor the caprice of a Minister; indeed, if it stands upon any other authority or influence, it is not fixed upon stable ground; for the Legislature may, and will, some time or other, act upon its own principles, and in this case the change of systems may be the more sensible. Gentlemen are wrong in arguing from the old Government to the new; the old Government was not vested with powers, nor possessed of resources for the support of public credit; therefore the not supporting it cannot be ascribed to the Minister's not originating the systems. The gentlemen say, that it is proper the Secretary should be permitted to accompany his Report with arguments, in order to explain the principles thereof, and state the facts with which it is connected. I wholly object to a Minister's dictating or propounding revenue systems, and still more to his supporting them with arguments, as it is carrying the influence of the Executive administration to a still greater extent. The President has a constitutional right to communicate information, to recommend such subjects as he may think expedient, and to exercise a limited negative after the bills have passed both Houses. But if the President was to claim a right to originate a money-bill, it would be judged contrary to the principles of the Government, and dangerous to liberty. How much more dangerous, and I had almost said degrading, is it to transfer that power to a temporary Minister, not chosen by the people nor responsible to them.

But, one gentleman says, that this is made the Secretary's duty by the law which constitutes his office. That it is made his duty by law is a sufficient apology for him in undertaking and discharging it, but not for the House in transferring it to him. I deny that the House can be bound by a law with respect to its powers and duties. This House is as free to originate money-bills as the last House was, and any future House will be as free as this. The Constitution is the only law whereby the powers and duties of this House can be governed, nor can we either decline a duty or transfer a trust which has been specially bound on us by it. Nor will I agree with the gentlemen that if it is an evil it arises from necessity. Certainly if we are capable of altering, amending, or changing the principles of the Secretary's Reports altogether, as is granted, we must be capable, with due industry and attention, to originate them ourselves.

But we are further told, in defence of referring to the Secretary, that if we do not do it ourselves, the committee employed, or some of the members, will have recourse to the Secretary for assistance, and that in this way his principles and arguments will be introduced with equal influence secretly, and that it is better to face it openly, and for all the members to have equal advantages from it.

This argument is plausible indeed, but will not bear examination. So far is the method con-

tended for from preventing private influence, that it produces it in a much greater degree. From the nature of the case we may conclude, that a Minister will not digest a revenue system without adapting it to the views and interests of a number of influential members, who will assist him in preparing and influencing others to support it when introduced; indeed, it gives the greatest possible stimulus to private influence; for it not only combines an influential private interest to support it, but the Minister's character and the character of his friends are much higher pledged for its success than if the influence was private. Thus, I apprehend, this method is not only objectionable on account of the Ministerial systems and arguments which the members receive in this House, and peruse in their closets, but also on account of the greater inducement it must give to a more dangerous private influence, and in time to corruption. But the gentleman from North Carolina [Mr. STEELE] observes, that we may upon the same grounds object to the President's Address, recommending business to the Legislature; that myself and others who oppose the reference in question, very lately advocated a Report of the Secretary of War, which he opposed; that by carrying the substance of that Report into a law, we have saddled the Government with a debt for which we are now about to provide; and he suggests the impropriety of those for whose immediate defence the debt is incurred objecting to the usual method of providing for its discharge.

I have observed already, that the President has a right, created by the Constitution, to recommend business to the Legislature, as well as to give information of the state of the Union; in consequence of this trust he, by a Report of his Secretary, gave us information of the state and misfortunes of the Indian war, and his opinion of the force and expense that he judged necessary to enable him to bring it to a happy and speedy conclusion. This information was constitutional and necessary. Well knowing that an inadequate force and the short enlistments rendered the two last campaigns disgraceful, and increased the strength and irritation of the enemy, I voted for the increase of the army, and for longer enlistments; but I voted for higher wages than was reported, and we will yet regret that this was not agreed to; and I think, in doing so, I was promoting the best interests of the country, and countenancing no unconstitutional influence. Surely if the gentleman would reflect for a moment, he would not quote this as a precedent to justify this House in voting a transfer of the peculiar and exclusive constitutional privilege and inalienable trust of this House, to originate or digest the principles of revenue systems, to an Executive Officer, not known in the Constitution, nor appointed by or dependent on this House.

I will further beg leave to inform the gentleman, that the people of the frontiers do not claim protection as a favor; they demand it as a right; they know that protection and allegiance are inseparable; that if they are not protected, their

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connexion with the Government is dissolved; it is their lot and their misfortune to be exposed as constant picquet guard to the interior inhabitants; too frequently have their habitations been rendered desolate, and they have had their dearest relatives butchered. When the Atlantic shores were the object of invasion, neither the inclemency of the season nor the dangerous situations of their families at home prevented them from giving assistance. They have had little weight in the Councils which have, by affording inadequate means of protection, increased their distress; they think it ungenerous to be aided with a too sparing hand, and at the same time insulted with unmerited reproach.

The gentleman says, he has heard me often moving to refer petitions to one or other of the Secretaries myself. I acknowledge it. When the petitions are for personal claims, being of a judicial nature, and connected with the documents in the Secretary's office, I think it proper to refer them there for information with respect to facts. When I moved for a reference of the excise petitions which came in by me, I did it in obedience to the custom of the House, but with an express declaration that I thought the custom then wrong; this, I have no doubt, the members will recollect. The gentleman has also observed, that there is independence and good sense enough in this House to examine, to alter, or reject a Report of the Secretary, notwithstanding his arguments which accompany it, and that we have done so in various instances. This I freely grant; nay, I advocate more than this: I believe there is good sense and independence enough in this House to digest and originate revenue systems without the Secretary's doing it for us. But what does this argument amount to? Why, it amounts to giving the peculiar trust of originating to the Secretary, and reserving that power to ourselves which the Constitution vests in the other branch. The Senate cannot prepare a money bill, but they may alter, amend, or reject such as we prepare and transmit to them; and they have done so. Is not this giving the power and influence in a great degree to the Secretary, which the Constitution gives to us? Is it not, in fact, giving up the point? The Senate is not permitted to digest their arguments and transmit them to us in support of business which they prepare; neither are we permitted to do so with them. Nay, it is unparliamentary to mention what we think would be agreeable to the Senate or the President, in our arguments on the floor, lest it should have the appearance of influencing the measure. The one branch cannot call upon the other officially to originate business; how unreasonable, then, is it to refer the most important business to the Secretary to digest and prepare, and also to digest arguments for us which we order to be printed and put into every member's hand. But this method is highly objectionable on another ground. It is putting the power of the business out of our hands with respect to the time of our deliberation; this is certainly more than we are authorised to do, or can be accountable for to our constituents. If this practice be-

comes established, I shall not be surprised to find a Minister, in connexion with his friends in the House, delaying to report on the most important subjects until near the end of the session, when many of the members are gone home, or so anxious to get home that there will not be a sufficient opportunity for deliberation. Such things are not unusually attempted in public bodies without the aid of a Minister; in this House, I have heard the close of a session mentioned as an apology for the passage of an improper law; it is not necessary to create new snares for the deliberations of the House. Before I had the honor of a seat in this House, I was informed of this method of originating revenue systems, and I always thought it wrong. I am not confident the opposition to it will succeed at this time; the session is drawing near a close, and the opposition of members who advocate the proposed reference may delay the business, if originated in a way disagreeable to them. These reasons may induce some members to vote for it now, that would not do so in other circumstances; however, if it is carried, I hope the precedent will not be strengthened by a large majority. For my part, I pledge myself to persevere in opposition thereto; and have no doubt but when a more equal and more numerous representation occupies this floor, this unwarrantable practice of transferring so influential a part of the Legislative trust will be changed.

The question being put, that the House do agree to the resolution, it was resolved in the affirmative—yeas 31, nays 27—as follows:

YEAS—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, James Hillhouse, Daniel Huger, Israel Jacobs, Aaron Kitchell, John Laurance, Amasa Learned, Samuel Livermore, Wm. Vans Murray, Cornelius C. Schoemaker, Theodore Sedgwick, Joshua Seney, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Artemas Ward, and Anthony Wayne.

NAYS—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Philip Key, John W. Kittera, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Thomas Tredwell, Abraham Venable, Alexander White, Hugh Williamson, and Francis Williams.

FRIDAY, March 9.

A Message was received from the President of the United States, communicating the copy of a statement of the expenditures of public moneys pursuant to the act providing the means of intercourse between the United States and foreign nations; this statement was read, and laid on the table.

STATE DUTIES OF TONNAGE.

The House went into Committee of the Whole on the bill declaring the assent of Congress to

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certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, which impose a small duty on tonnage for the purpose of clearing obstructions in the navigation of the Sound—Mr. W. SMITH in the Chair.

Mr. GILES moved to strike out the first clause, and made sundry remarks on the unequal operation of a law of Maryland which should subject the vessels of other States to a tax solely for the benefit of the port of Baltimore. It is designed by this bill to raise a fund to be applied for the removal of a natural obstruction in the navigation of that port, and hence he considered it as a *perpetual* tax on the citizens of other States; in this view, he objected to it as a partial imposition; it was much complained of by the neighboring ports; he hoped therefore the clause would be struck out.

Mr. SENEY supported the clause. He observed, that though the port of Baltimore would be benefited in the first instance, yet it was by no means a partial business; the accommodation and safety to shipping resulting from it had an important reference to the commerce of the Union; it contributes to the security of navigation, both foreign and domestic—and the importance of the trade of that place was sufficiently obvious from the amount of the revenue collected there. The salutary effects of the regulations which have been adopted and sanctioned by Congress, he conceived were sufficient reason for continuing those regulations.

Mr. GOODHUE and Mr. GERRY offered a few remarks in opposition to the regulation, and said the provision might be extended with equal propriety to various other parts of the Union; it ought not therefore to be taken up except on general principles.

Mr. MURRAY defended the regulation of the bill on general principles. He considered it in the light of a turnpike road, which, though it may subject the citizens to a tax, they are abundantly compensated by the benefits resulting from the accommodation thereby provided; the tonnage paid is a small duty, applied expressly to this object, and cannot reasonably be considered as an oppressive or partial tax; and it is paid by those who are immediately benefited, and is in every sense reciprocal.

Mr. NILES said he had seconded the motion for striking out on a mistaken apprehension. He had supposed the money to be collected was to go into the public Treasury, but the remarks of the gentleman from Maryland [Mr. MURRAY] had undeceived him, and he thought his comparison to a turnpike road was in point; he then enlarged on this idea, and said he could not conceive what injury would result from extending the principle to any part of the Union where similar obstructions exist.

Mr. STERRETT supported the clause. He gave a short history of the subject, and then enlarged on the general policy of the measure. It had been objected to by one gentleman on constitutional ground; this was an objection which he had not expected, but he conceived it totally unfounded; as no partial preference was contended for, but merely

the continuance of a regulation which had been sanctioned by the General Government, and was clearly within the spirit and letter of the clause which has reference to the commerce and navigation of the States; it is a regulation of a *general* nature, that tends to the advancement of the trade of the Union as well as of that particular port.

Mr. AMES and Mr. WHITE both spoke in favor of the clause—the latter observed that it appeared to him perfectly constitutional.

Mr. GILES denied that the benefits resulting from the regulation were reciprocal; they are confined to the town of Baltimore; and, if the clause is agreed to, he said he should move for a bill to confer similar benefits on all other seaports laboring under natural impediments in their harbors.

Mr. HARTLEY supported the clause on general principles, and said he should advocate a law which has for its object similar regulations in respect to any other place laboring under the like difficulties.

Mr. WADSWORTH said, as an owner of shipping, he should give his consent to any law which provides for removing the obstructions in navigation. No impositions are paid with more cheerfulness than those which are designed to procure safety and accommodation to the shipping. He enlarged on the advantages which result to the general interest, both of the merchant and farmer, from the shipping being able to penetrate far into the country by the navigable rivers; similar applications, said he, may be made from other quarters, and if they should he would give his assent to them.

Mr. FRIZZIMONS added some observations in favor of the clause, and then the question being put, the motion for striking out was negatived.

The Committee proceeded through the other sections, and then reported the bill without amendment.

The blank for the continuance of the act was filled with three years, and then it was ordered that the bill be engrossed for a third reading.

INDEMNITY TO GENERAL GREENE.

The House proceeded to consider the resolution reported from the Committee of the Whole House on the 24th of February last, to indemnify the estate of the late Major General Nathaniel Greene, for a certain suretyship entered into by the said Nathaniel, in his life-time, on public account.

The report being read, a memorial of Henry Hill was presented by Mr. FRIZZIMONS, praying that no law may be passed in the case which may operate to the injury of the petitioner in respect to an assignment made to him of a certain demand against the United States, by one of the partners of Banks and Company. Mr. F. recapitulated the general objections which had been before urged against the indemnification, and concluded by a motion in which it was proposed that the business should be put into a train of legal investigation.

Mr. BALDWIN, after some remarks highly favorable to General Greene's character, observed, that

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a legal process in this case did not appear to offer those accommodations which this case seemed to call for. He then entered into a general consideration of the subject, in the course of which he observed, that certain bold and striking traits distinguished the conduct of General Greene during the late war. He acted as a Soldier, a Politician, a Legislator, a Commissary, a Quarter-master, and a General; in short, like a man who was conducting a Revolution on the success of which his own life depended and the liberties of his country, perhaps of mankind. He then adverted to the evidence which had been adduced to show that no partnership existed between General Greene and Banks, and that the engagements he entered into were on a public account. He said the characters of those who had solemnly testified on this occasion were such as to banish every trace of suspicion from his mind. He concluded by observing, that if ever a claim on the justice and humanity of a country existed, the present was such a claim.

Mr. STEELE said, he hoped the report would not be agreed to. He said the subject appeared now to be involved in more complexity than it at first appeared to be attended with. In all appropriations of money, the subject ought to be well considered; but what have the gentlemen who reported the resolutions done? Instead of producing that evidence which would pass in any Court of Justice, they have adduced General Greene's character, virtues, services, &c.; of these he had as just an opinion as any one, but he thought they were not altogether pertinent to the occasion. He hoped a further investigation would be made, and that if the Report was not rejected, the business would be put in a different train. Various and contradictory statements have taken place in the course of the discussion in six weeks. Some things are now admitted which were before denied. As the advocates of the Report have founded their arguments on the character of General Greene, he thought it his duty to bring forward some circumstances, which, though they do not impeach his character as a soldier and a brave man, yet they show his want of sincerity and consistency. He then adverted to the letters which he wrote, abusing the people South of the Potomac, at the very time he was experiencing their munificence and liberality. These things he mentioned not to injure his reputation, but to show that full credit ought not to be given to his subsequent assertions and declarations. He observed that the subject had not been so fully investigated, nor had such evidence been adduced as would justify an appropriation of the sum of sixty thousand dollars. He then took notice of those documents which appeared to favor the idea that General Greene was connected with Banks and Co. This matter, he thought, had not been placed in the most satisfactory point of light; a more thorough investigation ought to take place, and in order to do this, he said the subject had better be postponed to the next session.

Mr. CLARK was opposed to agreeing to the Report; he offered several objections arising from the obscurity which envelope the transactions.

Mr. HILLHOUSE stated sundry reasons why he should vote against the Report; and then the House adjourned without deciding the question.

SATURDAY, March 10.

An engrossed bill declaring the consent of Congress to a certain act of the State of Maryland; and to continue for a longer time an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations, was read the third time and passed.

A petition of Isaac Ledyard was presented to the House and read, praying compensation for services in the Military Hospital of the United States; referred to the Secretary of War, with instructions to examine the same, and report his opinion thereupon to the House.

COURTESIES TO FRANCE.

On a motion made and seconded, that the House do come to the following resolution:

Resolved, That this House hath received, with sentiments of high satisfaction, the notification of the King of the French, of his acceptance of the Constitution presented to him in the name of the Nation; and that the President of the United States be requested, in his answer to the said notification, to express the sincere participation of the House in the interests of the French Nation, on this great and important event; and their wish that the wisdom and magnanimity displayed in the formation and acceptance of the Constitution, may be rewarded by the most perfect attainment of its object, the permanent happiness of so great a people."

It was moved and seconded that the said motion be committed. And on the question for commitment, it passed in the negative—yeas 17, nays 35—as follows:

YEAS.—Fisher Ames, Benjamin Bourne, Benjamin Goodhue, James Gordon, James Hillhouse, John Laurance, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, Jeremiah Wadsworth, Artemas Ward, and Anthony Wayne.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Andrew Gregg, Thomas Hartley, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, William Vans Murray, John Page, Cornelius C. Schoonmaker, Joshua Seney, John Steele, Samuel Sterrett, Thomas Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Alexander White, Hugh Williamson, and Francis Willis.

And then debate arising on the said motion, a division thereof was called for. Whereupon,

The question being put, that the House do agree to the first part of the said motion, in the words following:

Resolved, That this House has received, with sentiments of high satisfaction, the notification of the King of the French, of his acceptance of the Constitution presented to him in the name of the Nation: And that

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the President of the United States be requested, in his answer to the said notification, to express the sincere participation of the House in the interests of the French Nation, on this great and important event:”

It was resolved in the affirmative—yeas 50, nays 2, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Benjamin Boyrne, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, William Vans Murray, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Theodore Sedgwick, Joshua Seney, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Thos. Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Jeremiah Wadsworth, Artemas Ward, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Robert Barnwell and Egbert Benson.

On the question, that the House do agree to the second part of the said motion, in the words following:

“And their wish that the wisdom and magnanimity displayed in the formation and acceptance of the Constitution, may be rewarded by the most perfect attainment of its object, the permanent happiness of so great a People:”

It was resolved in the affirmative—yeas 35, nays 16, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Benjamin Bourne, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Andrew Gregg, Thomas Hartley, Daniel Heister, Philip Key, Aaron Kitchell, John W. Kittera, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, William Vans Murray, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Joshua Seney, John Steele, Samuel Sterrett, Jonathan Sturges, Thos. Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Benjamin Goodhue, James Gordon, James Hillhouse, Israel Jacobs, John Laurance, Amasa Learned, Sam'l Livermore, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jeremiah Wadsworth, and Artemas Ward.

Ordered, That Mr. TUCKER, Mr. MADISON, Mr. MERCER, Mr. VINING, and Mr. PAGE, be appointed a committee to wait on the President of the United States, with the said resolution.

GEORGIA CONTESTED ELECTION.

On a motion made and seconded,

“That, in the case of the contested election on the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia, the sitting member have leave to be heard by his Counsel at the bar of this House, on Monday next:”

It was resolved in the affirmative.

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MONDAY, March 12.

GEORGIA CONTESTED ELECTION.

This being the day to which the trial of the contested election in the case of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia, stood postponed; the House proceeded to take up the same for consideration. Whereupon,

The sitting member, with his Counsel, and the petitioner, being present at the bar of the House, application was made by the Counsel for the sitting member further to postpone the hearing on the said trial until Wednesday se'nnight. On which application, the parties respectively being fully heard, and the question put thereupon, it passed in the negative.

The petitioner then proceeded to exhibit and read his proofs in support of the allegations of his petition, so far as respects the first article of charge therein contained; when an adjournment being called for,

Ordered, That all farther proceeding on the said hearing be postponed until to-morrow.

TUESDAY, March 13.

Mr. TUCKER, from the committee appointed on Saturday last to wait on the President of the United States, with the resolution, of the same day, expressive of the sense of this House of the notification by the King of the French of his acceptance of the Constitution, presented to him in the name of the nation, reported that the committee had discharged the duty assigned to them.

A message from the Senate informed the House that the Senate have passed the bill, entitled “An act for an apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven,” with several amendments; to which they desire the concurrence of this House.

GEORGIA CONTESTED ELECTION.

The House resumed the hearing on the trial of the contested election, in the case of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia.

Mr. LEWIS (Counsel for Mr. WAYNE) appealed from the charges contained in the petition, in support of the sitting member, and stated reasons why it would be proper in the House to grant a further postponement, which he moved for. The chief arguments were, that there was certain evidence expected by Mr. WAYNE which had not arrived from Savannah.

A debate of two hours took place upon the motion for postponement, which was negatived, 19 members only rising in the affirmative; consequently the trial commenced.

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It was opened by a short exordium from Mr. JACKSON, who was allowed to read and comment upon his evidence until past the usual hour of adjournment.

Mr. JACKSON observed that, whilst he acknowledged the unpleasing task of appearing as a prosecutor, and sincerely wished the occasion had never presented itself; and whilst he lamented that so much of the public time which was required to other important objects had been expended, he could not help expressing the satisfaction he felt at the prospect of a decision on the Georgia election; nor could he forbear to observe that the doors of investigation could never be too widely extended on a subject of such capital import, and where the liberties of the people were so materially interested.

One of the greatest advantages, he observed, of a free Government was the right, which every individual of the community possessed, of making the grievances he lay under known; but that what in a private man, where there had been a private injury, was a private right, became, in a public man, where a public grievance or injury to the community had taken place, a public and indispensable duty.

Possessing, therefore, the testimony he did, and being in the situation he was, a candidate at that election, and the person who he believed, had justice been done, ought to have held the seat on that floor, he felt himself called on, in a double capacity, first, as a private individual, to assert his own rights, and, secondly, as a public man, to prevent an injury to the community—silence would have been inexcusable, and he should justly have been charged by his fellow-citizens as the betrayer of the rights of those whom he might most improperly term his constituents. He observed, that it was but a short time since that a period had been put to a Revolution, which, although glorious in its issue, was severe and bloody in its contests.

It was needless for him to remind the honorable House of the groundwork, the cause of that Revolution, where so many of its members had participated in its dangers, and had been distinguished in its conflicts; that it must be well remembered that the avowed principle, the declared right of Britain to bind America in all cases whatsoever, without representation, was the cause. Sir, added he, the right of representation was what America fought for seven long years, for which so many States were desolated, and for which so many heroes fell. Yet, strange as it might appear, scarce half a score of years had passed away ere this right had been violated and trampled on; trampled on ere the blood of our fellow-citizens, spilt in its defence, was as yet scarcely cold, and whilst the vestiges of the Revolutionary War were still exposed to every eye.

To prove this—and, for the honor of human nature, he wished he could not—was the object of his petition, and his appearance at the bar of the House; that, in the prosecution, he wished the House to observe that it was not their favor, but their justice, which he demanded; that the names or merits of the sitting member, or himself, should

not be known on the occasion; and that, for his own part, whatever might be the opinion of the honorable gentleman, of his merits or ability, he had not the vanity to suppose that his being in or out of Congress would affect the interest of America in the smallest degree; but that the question, abstractedly considered, was a question of the greatest magnitude, in which the lives, the liberties, the fortunes, the happiness of the American people, were materially involved; for it could not be denied that they all depended, in a greater or lesser degree, on the representation in that House; that the question was rendered more important by its being the first of its kind, and therefore would become the rule of decision in all future cases.

He then proceeded to state the facts and charges in his petition, and to make a few observations on them; that those observations should be as concise as possible, for he wished to address the House, not as a common jury, liable to be biased by prejudice, or to be imposed on by quibbles, but as the great guardians of the nation, sitting in a judicial capacity on a great and an important question, and in the decision of which the whole community was concerned.

After stating that he had testimony of another nature, which he had been prevented by the resolution from bringing forward, being tied down to the express articles of charge, which, in the Effingham election, were confined in two points—that of there being more votes than voters, and but one qualified magistrate presiding thereat, he proceeded to the investigation of those charges, and produced the following evidence:

First, the law of the State of Georgia for the election, by which he proved that the State was divided into three districts; that three magistrates were required to open a poll; that the poll was to be opened at nine o'clock on the 3d of January, 1791, and to be continued open until sunset; that the voters within the districts were to meet on the day of election in their respective counties, agreeably to the Constitution, to elect, by ballot, one person for each district, agreeably to proclamation. He then produced the return of the election itself, which proved the charge of there being nine more votes than voters; and, by the signatures of the three persons presiding, it appeared that but one of them had signed as a magistrate. He observed here that he should deem this sufficient if he brought no more evidence, but that he would now produce the testimony of Bell and Hudson, two of the persons acting at that election, to prove that they acted as private individuals, and in no other manner whatever. Mr. Bell's testimony went to prove that, when he arrived at the place of election, he was accosted by Lane, the sheriff of the county, who then first apprised him of his appointment, and persuaded him to sit as a magistrate; that he refused at first, saying he had no right, but afterwards agreed to sit, saying he might as well sit there as any where else; that he refused to sign the return as a magistrate, and that he signed as an individual, and in no other manner; that he was not at that time

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qualified; and, in the cross-examination by Mr. Gibbons, he, on being asked if he had ever acted as a magistrate before that election, answered that he had never acted as a magistrate until that time.

He next produced the testimony of Mr. Hudson, who proved much the same as Mr. Bell; and added, that he found the people intoxicated between ten and eleven o'clock in the forenoon; that Messrs. Gibbons, Moore, and Putnam, residents of Chatham, voted in Effingham; that he gave up his opinion to Mr. Gibbons that the magistrates were not qualified; that a qualification was necessary, he produced the testimony of John Godlieb Meidlinger, clerk of the Superior Court of Effingham county, who proved that he never saw them act as magistrates before; that he did not consider them as magistrates; and that they were qualified in open court after the day of election.

Meidlinger, whose testimony was taken on behalf of the sitting member, likewise proved that the grand jury of the county had presented the election as illegal; indeed, added Mr. JACKSON, a qualification on oath is necessary, and is founded on the justest reasoning. Should not he be qualified on oath, who has the power to qualify on oath? Should not he be bound by some tie, who has the personal liberty and property of his fellow-citizens so greatly at his disposal? "Miserable is that servitude where the law is vague and uncertain," says a law author; but much more miserable, he thought, would be that country where the public and private rights of a community would be at the will of a little despot of a Justice, without any tie, human or Divine. He did not mention this to censure the persons who had signed the return; he knew them to be honest and well intentioned, and they had objected to sitting as magistrates themselves.

It was in Georgia as it was in most other new countries; to prevent greater evils the Government was compelled to appoint characters of this kind; honest and upright persons, who were totally unacquainted with the law; men who generally did well when left to themselves, but who, when worked on by artful and designing persons, such as Lane, the sheriff, who you find by Bell's testimony persuaded him to sit, and that he had a right to do so, although it was the first time he had heard of his appointment. Lyman, the attorney, whom you find informing Hudson, to induce him to sit, that he had spoken to the Governor, who had answered, "It did not make the least odds whether he was qualified or not;" and this person, Gibbons, whose soul is faction, and whose life has been a scene of political corruption; who never could be easy under Government— [Here Mr. JACKSON was called to order.] After apologizing to the House, he observed that he was commenting on facts; that the proofs were strong against Gibbons of abominable corruption; that this corruption was, in a great measure, of his charges; that Gibbons had gone out of his own county, not merely to use an undue influence with the electors, but to corrupt even the magistrates themselves; that it was evident, that when he

worked on those persons they had given up their own opinions; and here he appealed to the evidence of Hudson, who swore that he had objected to Gibbons, Putnam, and Moore, signing the return, but had been prevailed on by Gibbons, and had given up his own opinion to him, as Gibbons was an attorney at law, and he, Hudson, supposing him to know more of these matters than himself.

Mr. JACKSON likewise here appealed to the House whether, if a law had been passed by Congress on elections, Mr. Gibbons's behaviour would not have come under it, and whether an offender of the kind would not have been severely punished; that there would be no safety for the liberties of the people, if such corruptions could be permitted; you find, says he, the electors generally intoxicated by ten or eleven o'clock in the morning; the electors in that situation could not tell who they voted for. Why, he asked, were those individuals so solicitous to get those persons to sit, but that they supposed they would be more docile to their measures, and permit those to vote who had no right to vote?

Hence, he said, your honorable House find Gibbons, Moore, and Putnam, voted in Effingham contrary to the law and Constitution, giving their suffrages. [Here Mr. JACKSON produced the testimony of John Moore, which was objected to by Mr. Lewis, but on argument it was admitted; who proved that one John King, a minor, had voted. Mr. Moore likewise proved that Gibbons, Lyman, and James Moore, were very active in favor of Mr. WAYNE, and that there were nine more votes than voters; and that Hudson had signed the return at the instigation of Gibbons.] Hence, too, he said, the House might perceive other irregularities, such as magistrates and clerks leaving the poll altogether, and hence, no doubt, the nine more votes than voters. [Here he produced the testimony of Thomas Wyllis, who corroborated the testimony before read very fully, and proved that the poll was sometimes left by the justices and clerks; he further declared that he knew Bell and Hudson not to be qualified magistrates.]

And hence, he observed, the very return itself was drawn up by this Mr. Gibbons; what right had he to interfere with this return? But, notwithstanding all this cunning and corruption of Gibbons, the very return was deficient. Were it not in the same bundle and under the same seal, there would be no knowing whether it was an election for a member of Congress or a member for the State Legislature; whether an election for the office of a coroner, or that of a constable. [He here produced the return, which did not mention what the election was held for, but barely declares that at an election held at Elbertson, in the said county, the candidates were, &c.]

Mr. JACKSON also observed that there was some testimony brought forward by the sitting member, to prove that a Mr. Lavier was a magistrate and a worthy man. Why, he would ask, did he go away? Why did he not sign the return, but that there were some such transactions going forward

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which he could not bring his mind to consent to? Mr. JACKSON made a variety of other observations, which continued until an adjournment was called for. Next day—

Mr. JACKSON proceeded in his observations, and remarked to the House, that some members had been solicitous to see a law of Georgia where a qualification was rendered necessary, previous to a magistrate's entering on the duties of his office; that he had been uncertain yesterday whether he had the law present with him or not; that he now felt himself happy in being able to satisfy those members on that point.

[He here produced the law, and which appeared positively to require the magistrates taking and subscribing the oath therein prescribed, previous to their entering on any official duty.]

Mr. JACKSON then observed that he would, as he was on the Effingham business, beg leave to produce the Constitution of Georgia, to ground what he had advanced yesterday respecting the right of Mr. Gibbons, Mr. Putnam, and Mr. Moore's voting at Effingham. From the 1st section, 4th article of the Constitution of Georgia, it required six months' residence in the county; this he read in his place, and said he considered the grounds of his charges respecting the Effingham return and election so well established, that he would take up no more time of the House on that business.

He observed to the House that the next charge was that of the suppression of the Glynn return; but as the House had been pleased to indulge him in the mode of conducting the prosecution, he would beg the permission to pass over the second, and come to the third charge, that for the county of Camden.

And here he came, he said, to a scene of iniquity indeed, a scene which had improved upon British corruption, and had left ancient and modern story all behind; we read, it is true, of a Roman consul who stole the votes from the forum, to prevent an election of the people, and we have heard of British sheriffs falsifying returns in favor of their friends; but here was a Judge of the land, the great check upon the Executive Department, (and agreeably to the principles of free Government, they ought to be separate and distinct,) acting as the Executive officer, the sacred guardian of the laws, the liberties, and privileges of his fellow-citizens, violating them all, and trampling them beneath his feet; who not only set down more votes than the county had, but added to the polls names which were never known. Here the sacred office of a judge became subservient to the views of party, and the possessor of it the tool of faction; but he forbore, he said, to animadvert on his notorious conduct; he had been tried, impartially tried; he had been convicted, and been punished; and by that punishment the character of his country had been restored. Yes, said he, Georgia, thou hast set an example worthy of thy elder sisters! thou hast hung out a warning to tyranny and its supporters! thou hast set an example which must be respected, and I trust will be followed, in similar circumstances, in the United States, to the end of time.

He would proceed to offer the evidence on the

charges, and he begged leave to assure the House that he would conform as much as possible, in the mode of producing the evidence, to the wishes of some gentlemen yesterday; and the first testimony he would read would be that of Daniel Miller, who was one of the clerks of the check of the poll of Camden, and a necessary officer under the law of Georgia, which he produced, and whereby it appeared that the superintending officers at elections are empowered to appoint three clerks to attend, and to keep three rolls or checks, setting down the names of the voters therein, with the names of the candidates, &c. He observed that it would appear by Miller's testimony that he was one of these clerks; that the check was preserved, and sent on annexed to the testimony; that the whole number of votes at the legal poll was but twenty-five, fifteen for General WAYNE, and ten for himself; that poll was closed agreeably to law, on or about sunset; that he had scarcely daylight to complete the return by which it was made out by him, and signed by the presiding magistrates outside the door; that a person by the name of Allen Thomas was spoken to, to carry the said express to the Governor; that the return was then lodged in his hands for safe keeping until the next day. This testimony Mr. JACKSON read, which further proved that Mr. Osborne had taken the return from Miller, with a promise of returning it in the morning, Miller having been sent for by Osborne in the night; that Mr. Wright, one of the magistrates at the first poll, advised with Mr. Miller, with a proposal of Osborne's of adding the legal and the night election together, and to which Wright, at that time, seemed adverse, but afterwards consented, telling Miller that Osborne had not returned the first or legal return, having made out another more to his mind, having found fault with some of the words of the former, adding that Mr. Osborne was a very good patcher, and that, if it was a measure insupportable, he would not have done it, and that he had given up, as Miller believed, his opinion to the better one of Judge Osborne; Miller's testimony likewise proved that the legal return was suppressed or destroyed. To corroborate the testimony of Miller, Mr. JACKSON observed, that he would produce the testimony of Samuel Smith, the sheriff of Camden county, whose presence at the election was made necessary by law. Mr. Smith proved that he attended the election, performing the duty required of him. Mr. Smith proved that the poll was continued till after sunset; that after the poll was closed, he saw the return made out by one of the clerks appointed to keep the checks; that he saw it signed by the presiding magistrates, viz: Henry Wright, Langley Byan, and Hugh Brown.

That an express was engaged to carry the return to the Governor, and that the number of votes at the said election did not exceed thirty; that the business of the day being concluded, and it being then dark, he returned to his lodgings, two miles distant from the place of election; that some time after he got there, he received a message from Osborne, requesting his return with the people there with him: that he observed to those about

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him that he supposed the business of that day at end, and that he should not return until next morning.

That, when he returned in the morning, he was told that a second poll had been held the evening before, a certified return of which he had seen, containing eighty-nine votes, and that he did not believe that, at that time, there were above seventy persons entitled to vote in the county. That he was well acquainted with Miller, who acted as one of the clerks of the check, and that he was a man of veracity, and well respected.

Mr. JACKSON next produced the testimony of Dr. John M. Scott, one of the surgeons of the first regiment of the United States; a gentleman, he said, who had been as delicate in coming forward as his opposers could wish. It had been with difficulty he had procured his evidence, but Dr. Scott, when he did come forward, had given his testimony to prove that a second or illegal poll had been held. The doctor's evidence set forth that he was in Camden, at the station on St. Mary's, in the month of January, 1791; that he went to the election with some gentlemen in a boat; that on the passage they fell in with Osborne.

That they arrived at Gray's about dark, and that Osborne examined Gray respecting the election, and begged him to come on board and pilot him to the place of election; that Gray showed them the landing, and that a torch was brought them to show them where to land; that, on going up to the house where the election was held, the judge inquired what time the people went away; that it was answered the poll was closed at sundown; that Osborne sent for several of the electors to return, and that the poll was again opened; that the whole number did not exceed twenty; that Mr. Seagrove's name was put down as a voter, but who was not present; that Osborne inquired of Gray the names of those who were not present at the first election, and that their names were likewise set down as voters; that he did not see a ticket or ballot given in; that he asked the judge if this was the common mode of doing business at elections in Georgia, to which Osborne replied to him, Never to mind.

Mr. JACKSON now produced the affidavit of Gray, to which some objections were made by Mr. Lewis, on behalf of the sitting member, and on which an argument, and reading the statement of the magistrate, was admitted. Gray corroborated the evidence of Dr. Scott in a full manner, and proved the absentees' names being set down to the poll, particularly Seagrove's and Goodbread's.

Mr. JACKSON next brought forward the testimony of Abner Williams, to which objections were likewise made by Mr. Lewis, that it did not appear to be written in the magistrate's presence: many nice and refined distinctions and reasonings were given, and the testimony was ultimately rejected.

Mr. JACKSON observed that he had other testimony of the same nature from Camden, which, as the House had decided against the testimony of Williams, he should not produce.

From the testimony Mr. JACKSON had produced, he thought he had fully established the iniquity

and illegality of the Camden election, and he begged them to observe the chain of evidence; you find, says he, Miller, a public officer, doing his duty at the election, who swears that the legal poll consisted but of twenty-five votes, that fifteen were for Mr. WAYNE, and ten for himself; you find the poll was closed at sundown, agreeably to law; you find that Miller had scarcely daylight to complete the return by; you find that presiding magistrates, on that account, signed the return outside the door; you find the return delivered to Miller for safe keeping, and you find an express applied to; you find the number from Smith's testimony, who was the sheriff of the county, and a necessary officer at the poll, corroborating the testimony of Miller, that the number of votes did not exceed thirty; an express was absolutely engaged to carry the return to the Governor, and that after the law had been complied with, the electors had generally dispersed; you next find, by the testimony of Dr. Scott and Gray, the arrival of Mr. Osborne after dark, that a torch was brought to show them the landing; you find him sending again for the people, and here you observe the answer of the sheriff, that the business of that day was at an end, and he should not return: notwithstanding this caution, you view, from their evidence, Osborne proceeding to a second election, and setting down absentees' names, who were not present at the first poll, and among them James Seagrove and Philip Goodbread. You find here the question of Dr. Scott, Is this the mode of conducting business at elections in Georgia? Why that question, said he, but that the honest dictates of a virtuous heart spurned at such abominable villany. Mark the answer of this iniquitous judge, "You never mind." Evasion, dark, designing evasion, which carried guilt in its countenance; he dared not explain; the deed would not bear the light. Shall we rest here a moment, said he, and search whence this right of proxy? Is it found in the laws or the Constitution of the Continent? Is it expressed in the laws or the Constitution of Georgia? Is it to be met with in any of the laws or Constitutions of the respective States? In France it is exploded; in England it is only admitted to the Lords, whose right is hereditary; in no free country on earth, said he, is this right established. Shall the United States then be the first to sanction this pernicious principle? Shall she who has lighted up the flame of liberty in other nations, who has astonished the universe, and loosened the trammels on the rights of men, be the first to nourish this tyrannic vulture in her bosom? View how far it leads, see how far it extends, and there is not a freeman who hears me, but must fire with indignation at the attempt. If admitted to one, shall we stop there? Shall we stop at ten, at twenty, at one hundred, or one hundred thousand? Shall we stop at a township, a county, a district, or a State? Sir, the glory of our Constitution is that our rights are equal; and if one citizen may be permitted to vote by proxy, the whole rights of the community may be in like manner delegated, and the consequence might be, that a Dionysius or a Nero might be palmed upon us by authority. He

did not like to be severe; he would repress what he felt, out of respect to the House; but with what view did this wicked judge come to that election? He was not actuated by a love of country, for his attempts, if successful, would have damned its liberty; not acting as a magistrate, because, as a magistrate, he was bound by the law, but here he was barefacedly breaking it; but, void of principle, and, from his character, he believed he never possessed any; regardless of oaths, and worked on by prejudice and party, he came there at all events, and by any means, however base or abominable, to prevent his being elected.

Let it be remembered, sir, if this can obtain in Georgia, it can in other States, and the corruption will be general. But, supposing there is right of proxy admitted, he would produce the census of Georgia, under the official signature of the Secretary of State, taken by the marshal of the district of Georgia, whereby it would appear that the whole number of male inhabitants consisted of but eighty-one persons; here were eight more votes than the whole contained, and sixty-four more than the legal poll; but admit, said he, that there are as many voters as the return mentions, is it not extraordinary that, whilst other counties have polled but one-half, and some not one-fourth of its citizens, this county should have every elector attending? But let us take the two elections, said he, and add them together, and how will they then stand, as appears by the testimony before the House? Dr. Scott swears there were not more than twenty persons at the second election. Twenty, therefore, at the second election, and twenty-five at the first election, are but forty-five, so that forty-four votes are still wanting, at the utmost extent; but, take Gray's testimony, and this deficiency is much greater. [Mr. GILES here asked the question, whether the eighty-one male persons, returned by the census, were the persons above the age of 16 or 21?] Mr. JACKSON, after thanking the honorable gentleman for the question, as it had escaped him in observation, said that the eighty-one were the free males above 16, so that one-fifth of those, which was the nearest proportion, ought to be deducted for those between 16 and 21, and which would bring it to sixty-five, which number was corroborated by the testimony of Smith, the sheriff, who had sworn that the whole number of voters did not exceed, at that time, the amount of seventy. He observed that the testimony of Smith must be of weight, for he was the sheriff of the county, who knew, or must be supposed to know, all the residents, who summoned all jurors, and served all judicial processes.

Mr. JACKSON here begged leave to offer a statement he had made out, not as testimony, but to assist the minds of the House of those particular elections, and in the particular views in which they might be received.

[Here follows a statement of the polls in the different counties. Mr. BARNWELL here interrupted Mr. JACKSON, as did also Mr. BENSON, by opposing the reading of any calculation; but Mr. MADISON insisted that the petitioner had a right to state the numbers at the different polls.]

Mr. J. then proceeded, by observing that he should now close his evidence and observations on the Camden election; he thought he had perfectly established his charges on this head, as well as on the Effingham election; he had proved that the legal return had been suppressed, and that the second election had been illegal altogether.

He would now proceed to the last article of charge, the Glynn return, and here he should offer the testimony of Colonel Samuel Hammond, a gentleman of the greatest veracity, who would prove—[Here Mr. JACKSON was called on by Mr. LEWIS to produce the evidence, and was desired not to inform the House of the contents of the testimony.]

Mr. LEWIS objected to Colonel Hammond's evidence, on the grounds he had formerly made to the testimony of Williams, and, on argument, it was finally rejected.

Mr. JACKSON here observed that it was not for him to do otherwise than suppose that the decision of the House was proper, however hard it might bear on him, which, he must be permitted to say, it did; that, however, by the failure of the receipt of this testimony, his charge must fall to the ground, as the evidence of Hammond was the principal ground on which he rested his charge, and that he must, therefore, decline bringing forward the other testimonies relating to this business before the House.

He said he felt himself now bound in duty to produce to the House the decision of the State of Georgia on the impeachment of Judge Osborne, and he did not produce it without an expectation of its being objected to; but he begged leave to offer some reasons why it should be received.

Baron Gilbert, in his excellent treatise on evidence, had quoted Mr. Locke, to prove that the degrees of evidence were various, and that they extended from perfect certainty and demonstration, quite down to improbability and unlikeliness, even to the confines of impossibility. Perfect certainty was defined to be a clear and distinct perception with one's own senses; probabilities, on which, in a greater or lesser degree, all other evidence rested, consisted of obscure views, or what was seen or heard by the report of others. The first kind of evidence was not in the power of the House, because none of the facts alleged were within their views; but they were compelled to, and did, by their resolutions, depend on the second kind of evidence, or what was heard by the report of others in Georgia. The House, in receiving the testimony offered, would receive evidence taken at least on as careful grounds as that taken under the resolutions; the facts were the same; the point at issue was the same, whether corruption had or had not taken place at this election; the person accused was present, with his attorneys, to cross-examine; two of the attorneys of the sitting member were employed as counsel, on that occasion, for Mr. Osborne, and one of them actually cross-examined the evidence; it must therefore be supposed that, from the exalted station of that gentleman, every industry would be used, every exertion be made by them,

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as well to clear the character of their client in Georgia as to establish the right of the sitting member here. It was, he said, a decision of the highest court of the State of Georgia, founded on an express article of the Constitution—a court having competent jurisdiction to decide, and an authority which the members of that State here were not only called on to acknowledge, but to respect. A decision of faction, he said, it could not be supposed, for whoever heard of a unanimous faction? Faction signified a party in a State; here was a political phenomenon, which did not happen in a political age—a whole people of one way of thinking—a House of Representatives unanimously convicting. How, he asked, should the voice of the people be known? Here were but two ways: by petition from the people at large, or by the declared sense of the Legislature. If he had taken the former, would not the gentleman have come forward to object to it? Would not there have been room to charge him with undue influence in procuring it? The voice of the people, therefore, would be best known by the Legislature of the State; for, notwithstanding the nice-spun sophistry of the day, he could not distinguish between the people and the State. Who was the State, but the society which compose it? Who, then, were the people, but the State? Would Congress, then, not receive the sense of the State of Georgia? Would they hush that voice which says we are not represented? Would not the world perceive how short-lived Republican virtues were, and the British King behold acts for which they had denominated him a tyrant? The Government was founded on the basis of the States and people; and, at least, a decent respect should be so far paid them as to receive their complaints. If it be said that Congress have the sole power of judging of the returns, elections, and qualifications of its own members, without denying this position, he would beg leave to observe, there were powers delegated by the Constitution which were not exclusive; that a power was given to the States to prescribe the times, manner, and place, for holding the elections, but Congress might alter those regulations. Here, then, was a right in Congress which was not exercised; the States were in the exercise of this power; every member in the House had been elected under State laws; the State officers executed the laws; and who had the cognizance of their malfeasance but the States under whom those officers held their appointments? Besides, who, he asked, could so well detect corruption as the States, who were so much interested to do it? Could Congress detect this corruption? Would individuals hazard their lives and fortunes, at the end of every election, to attend Congress to inform them of it? Would Congress establish inquiries in the respective States to find it out? Would the people of America submit to inquiries? Had Congress the power to compel evidence to attend? Where was their law—where their compulsory process? He had seen neither. But, suppose all this got over, and corruption detected, can Congress punish the authors of it?

Here, again, he would ask for their law, their power to do so; and even then, could they dismiss the State officers convicted of corruption? Sir, added he, could the united wisdom of this House have removed Mr. Osborne from the bench of Georgia? Secure in his seat, he would have minded the fulminations of Congress no more than the fulminations of the Court of Rome.

But, he supposed, it would be objected to on another ground, that it was not agreeable to the strict rules of law, and therefore inadmissible, as the parties were not the same. Although he admitted, in some degree, that the doctrine might hold, yet still it was not unfrequently allowed to admit decisions in other courts, on trials between other parties. Thus, for instance, a sentence of a court of admiralty, where goods had been condemned in a case of piracy, was admitted, as evidence, in a court of common law, in action of trover. A sentence, in an ecclesiastical court, was admitted as evidence of the right to the thing there decreed. A decree in chancery was not usually admitted at common law. And he recollected one strong case, where a judgment of ouster against the bailiffs of a corporation was admitted as evidence against the person claiming a title under their election. This last case was precisely in point, and he begged leave to impress it on the House, and the sitting member claiming under the return of Mr. Osborne. He acknowledged the advantage the learned counsel had of him here, having his books to resort to, but he did not mean to rest fully on those cases, because he conceived the House bound by their own laws, and not by the laws of any inferior court; but where could be the danger of admitting it? Were the House a common jury, liable to be imposed on by artifice, or biased by prejudice, they could not examine the evidence, reject what ought to be rejected, and suffer that to impress them which ought to impress them.

Here Mr. Lewis objected to the admission of these papers, and was astonished that they should be offered to the House. He argued that the impeachment of Judge Osborne was unconnected with the business in question; that it was altogether *ex parte*, and therefore hoped the House would reject it, and not suffer the proceedings of the State of Georgia, dignified as it was, to influence Congress in a matter which was entirely within their own jurisdiction.

The House refused to receive them. Whereupon the farther hearing on the said trial was adjourned until to-morrow.

WEDNESDAY, March 14.

A message from the Senate informed the House that the Senate insist on their amendments to the bill entitled "An act to ascertain and regulate the claims to half-pay and to invalid pensions," and have made a farther amendment to the said bill; to which they desire the concurrence of this House.

GEORGIA CONTESTED ELECTION.

The House resumed the hearing on the contested election in the case of JAMES JACKSON, com-

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plaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia; and application in writing having been made by the petitioner as follows:

"That the decision of the Senate of the State of Georgia, on the impeachment of Judge Osborne, so far as respects the Camden return for a member to represent the State of Georgia, on the 3d day of January, 1791, be received as evidence in the present trial of that election, to establish the corruption of Judge Osborne."

As well the petitioner as the sitting member, by his Counsel, were fully heard on the subject of the said application; and the question being taken, that the House do agree to the same, it was passed in the negative—yeas 20, nays 41, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, Abraham Clark, Elbridge Gerry, William B. Giles, Andrew Gregg, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Nathaniel Macon, Cornelius C. Schoonmaker, John Steele, Thomas Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, John Brown, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Theodore Sedgwick, Joshua Seney, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, Abraham Venable, John Vining, Jeremiah Wadsworth, Artemas Ward, Alexander White, and Hugh Williamson.

The petitioner then proceeded to conclude with the exhibits and proofs in support of the remaining charges of his petition, after which, the sitting member, by his Counsel, entered into the defence, and produced sundry exhibits and proofs in opposition to the said charges; and having made some progress therein, an adjournment was called for. Whereupon,

Ordered, That the farther hearing on the said trial be postponed until to-morrow.

THURSDAY, March 15.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act declaring the consent of Congress to a certain act of the State of Maryland, and to continue for a longer time an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia and Rhode Island and Providence Plantations.

GEORGIA CONTESTED ELECTION.

The House resumed the hearing on the contested election, in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members

returned to serve in this House for the State of Georgia; and the Counsel for the sitting member having concluded his defence, the petitioner was heard in reply; after which, the parties retired from the bar.

A motion was then made and seconded,

"That certain proceedings of the House of Representatives of the State of Georgia, accompanied with other papers, transmitted agreeably to their resolution, under the signature of the Governor and the seal of the State, relative to the election of a member to represent the Eastern District of the said State in this House, be received."

On which motion, the previous question being called for by five members, to wit: "Shall the main question to agree to the said motion be now put?" it passed in the negative, and so the said motion was lost.

An adjournment was then called for and carried.

FRIDAY, March 16.

The House proceeded to a decision on the contested election in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia; and, after debate thereon, a motion being made and seconded that the House do agree to the following resolution:

Resolved, That ANTHONY WAYNE was not duly elected a Member of this House."

It was unanimously resolved in the affirmative, by yeas and nays, every member present voting in the affirmative.

Another motion was then made and seconded, "That the SPEAKER do transmit a copy of the said vote to the Executive of the State of Georgia;" and, debate arising thereon,

Ordered, That all farther decision on the said contested election be postponed until Monday next.

Mr. BOURNE, of Rhode Island, from the committee to whom was referred the report of the Secretary of the Treasury on the petitions of the Commissioners of Loans for the States of New Hampshire and Rhode Island and Providence Plantations, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Tuesday next.

The House proceeded to consider the amendments of the Senate, disagreed to by this House, and insisted on by the Senate, to the bill entitled "An act to ascertain and regulate the claims to half-pay and to invalid pensions." Whereupon,

Resolved, That this House doth recede from their disagreement to the said amendments, and doth agree to all the amendments of the Senate to the said bill.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Ordered, That the Report of the Secretary of the Treasury, relative to the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported

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from abroad, and laying others in their stead; and also, upon spirits distilled within the United States, and for appropriating the same," which was made to this House on Tuesday, the 6th instant, be committed to a Committee of the Whole House on Tuesday next.

SATURDAY, March 17.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of the Ministers and Trustees of the Lutheran church in Rheland township, Chester county, in the State of Pennsylvania; also, on the petition of the Wardens of the Calvinist church, in Vincent township, in the county and State aforesaid; and on the petition of the Corporation of Trustees of the public Grammar school and Academy of Wilmington, in the State of Delaware; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report concerning the additional supplies requisite for the ensuing year, made pursuant to a resolution of the House of the 8th instant; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

The SPEAKER laid before the House a Letter from the Attorney General of the United States, enclosing his report on the petition of Andrew Jackson; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to amend an act entitled "An act to provide more effectually for the collection of duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," so far as to permit the landing of salt, under certain regulations, at warehouses belonging to the several fisheries, and to allow a drawback on the exportation of salted provisions equal to the duty that is paid on the salt used in preserving the same; and that Mr. WILLIAMSON, Mr. KEY, and Mr. PARKER, be the said committee.

APPORTIONMENT BILL.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act for the Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the 3d day of March, 1797." Whereupon, the first amendment being read, and the question put, that this House doth agree to the same, as follows:

Section first, between the words "of" and "members," insert "one hundred and twenty:"

It passed in the negative—yeas 30, nays 31, as follows:

YEAS.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham

Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, John Steele, Peter Sylvester, George Thatcher, Thomas Tredwell, John Vining, and Jeremiah Wadsworth.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, James Hillhouse, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

The other amendments of the Senate to the said bill were then severally read; and, on the question put thereupon, disagreed to by the House.

Resolved, That a conference be desired with the Senate on the subject-matter of the said amendments; and that Mr. MADISON, Mr. FINDLEY, Mr. HILLHOUSE, Mr. SMITH, of South Carolina, and Mr. BALDWIN, be appointed managers at the said conference, on the part of this House.

MONDAY, March 19.

A petition of John Macpherson, setting forth that he has discovered an infallible method of ascertaining the longitude, to a degree of precision far beyond any former discovery; and praying that Congress will enable him to prove his theory by experiments in a voyage to France.

Ordered, That the said petition do lie on the table.

A message from the Senate informed the House that the Senate agree to the conference proposed by this House, on the subject-matter of the amendments disagreed to by this House to the bill entitled "An act for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration and an Apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," and have appointed managers at the said conference on their part. The Senate recede from some, and insist on other of their amendments disagreed to by this House to the bill entitled "An act for the relief of certain widows, orphans, invalids, and other persons." The Senate have also passed a bill entitled "An act to erect a lighthouse on Montauk Point, in the State of New York;" to which they desire the concurrence of this House.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established," with several amendments; to which they desire the concurrence of this House.

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GEORGIA CONTESTED ELECTION.

The House then resumed the consideration of a further decision on the contested election, in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia; and, a motion being made and seconded, that the House do come to the following resolution:

Resolved, That the petitioner, JAMES JACKSON, is entitled to a seat in this House, as a member for the lower district of the State of Georgia; and that the right of petitioning against the election of the said JAMES JACKSON be reserved to all persons, at any time during the term for which he was elected."

Debate thereon ensued; when an adjournment being called for, the several orders of the day were further postponed until to-morrow.

TUESDAY, March 20.

A bill sent from the Senate, entitled "An act to erect a light-house on Montauk Point, in the State of New York," was read twice and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act providing for the settlement of the claims of persons, under particular circumstances, barred by the limitations heretofore established;" and the same being read, were agreed to.

The House proceeded to reconsider the amendments proposed by the Senate to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," which were disagreed to by this House and insisted on by the Senate; whereupon,

Resolved, That this House doth recede from their disagreements to the said amendments, and doth agree to the same.

GEORGIA CONTESTED ELECTION.

The House resumed the consideration of the motion made yesterday, on the contested election in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia.

Mr. W. SMITH proposed the following resolution, viz:

"That the seat of ANTHONY WAYNE, as a member of this House, is vacant; and that notice be served on the Executive of the State of Georgia, in order that he may issue a writ for a new election."

This motion was objected to as not being sufficiently comprehensive to express the sense of the House. On the contrary, it seemed to be intended to prevent the introduction of a resolution which was proposed by Mr. GILES, viz:

Resolved, That James Jackson is entitled to a seat in this House."

To both of those motions several amendments, substitutes, &c., were proposed; and Mr. GILES's motion was modified so as to read thus:

Resolved, That JAMES JACKSON is duly elected, and, therefore, entitled to a seat in this House."

Mr. GILES supported this motion by a train of judicious and well applied arguments, drawn from the precedents of the British Government; he particularly mentioned the Middlesex election, when Mr. Wilkes was expelled the House of Commons, for having been tried and found guilty of an abominable libel; in which case a writ for a new election was issued, because there was not then any other candidate: but when afterwards there was a candidate set up against Mr. Wilkes, the House of Commons did not order a new writ to issue, they declared the other candidate duly elected, having previously decided that Mr. Wilkes was ineligible to a seat in the House. This, although it may not be reckoned exactly a case in point, comes something near to the Georgia election; and from this and a variety of other cases, which Mr. G. quoted, he thought the House would be highly justifiable in declaring Mr. JACKSON duly elected, and therefore entitled to a seat in the House of Representatives. Mr. G. further observed, that the consequence of not agreeing to the resolution he had the honor to propose, would be a disavowal of the right of the judicial powers of the House in cases where they were to decide on the qualifications of their own members; and it would be transferring those powers to the Executives of the States, if Mr. SMITH's motion should obtain.

Mr. W. SMITH rose to oppose Mr. GILES's motion, and entered into a very extensive chain of argument on the rights of election, the powers of Congress, the danger of foreclosing the chair of the sitting member, should he desire to impeach the validity of the petitioner's election; the want of reciprocity that would ensue from an adoption of the resolution; the danger of so bad a precedent; the deprivation of the rights of Georgia to hold a new election to fill the vacancy, &c., &c. He also quoted almost all the cases of contested elections in Great Britain, and drew inferences from each in favor of his own opinion. He said the business before the House was not to take cognizance of Mr. JACKSON's right to a seat, it had been no more than to investigate the legality of Mr. WAYNE's seat, which was now decided in the negative; it was not a contest between Mr. WAYNE and Mr. JACKSON, but an inquiry into a return.

Mr. GILES proposed to amend his motion, by adding these words, "and that the right of petitioning against the said election (of JAMES JACKSON) be preserved to all persons, &c., within the time for which he was elected."

Mr. MADISON replied generally to all the reasoning of the gentlemen who had gone before him in this business; he mentioned the general rule, that whosoever had a majority of sound votes was the legal Representative; he then recited the several exceptions to this rule, and expatiated on the *lex parliamentaria*. In addition to the cases quoted by Mr. GILES and Mr. W. SMITH, he mentioned one wherein corruption appeared in both candidates, and the seat was adjudged to him who had the greatest number of sound votes; but this, he said, was not a case exactly in point: he therefore believed it would be necessary to decide the present one agreeably to the Constitution and

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right reason. He had ventured an opinion formerly upon an occasion of this kind, and he would now confess that if the House could, conformably to reason, precedents, or convenience, admit the petitioning member to a seat, he believed that they ought to do it, in order to fill up the chasm in the House, so far as relates to the representation and interest of the State of Georgia. He differed in opinion with those who had argued that the petitioner had not claimed his seat; and even admitting he had done so, or that he would resign or refuse to accept it, still the House are bound to declare and establish his right.

The House now adjourned.

WEDNESDAY, March 21.

A petition of sundry merchants of the State of Rhode Island, trading to India and China, was presented to the House and read, praying that teas imported from Europe in vessels the property of citizens of the United States, may be subjected to the same duties and regulations as teas imported from India in vessels belonging to citizens of the United States. *Ordered*, that the said petition be referred to the Committee of the Whole House on the state of the Union.

Ordered, That the report of the Attorney General on the petition of Andrew Jackson, be committed to Mr. CLARK, Mr. STEELE, and Mr. LIVERMORE.

Ordered, That the Message, of yesterday, from the President of the United States, be committed to Mr. WHITE, Mr. LAURANCE, and Mr. SMITH, of South Carolina, with instructions to report thereon by way of bill or bills.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for fixing the compensation of the Doorkeepers of the Senate and House of Representatives in Congress;" to which they desire the concurrence of this House.

GEORGIA CONTESTED ELECTION.

The House resumed the consideration of the motion on the contested election in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia.

Mr. BOUDINOT rose to deliver his opinion; previous to which, he thought proper to recapitulate most of the circumstances which have come into view, before the House, from the time of receiving Mr. JACKSON's petition to the present time, of declaring whether he is, or is not, entitled to the seat in the House of Representatives. He took particular notice that there were only two candidates for the lower district of Georgia; no third candidate had been set up. Hence, as there were only two, and one of them has been proved to be illegally elected, it remains to be decided whether the other be entitled to his seat. He observed, that in three of the counties the whole of their elections were null and void; and that, with respect to the others, all the evidence which would be

necessary to an investigation had not been yet before the House, as no other evidence had been adduced but such as was thought necessary to vacate the contested seat; consequently, the evidence admitted in one case cannot be admitted in the other; and if Congress proceed in the question now under consideration, they must do it without the cognizance of Georgia, and without any return by them made in favor of the petitioner. Besides, it will be doing an essential injury to the sitting member, should it appear that he had a majority of votes exclusive of all the illegal ones, as it will be precluding him from all redress, to declare the petitioner the sitting member.

Mr. B. also quoted the case of the Maryland election of Mr. PINKNEY, who had resigned; yet the next candidate in number of votes was not declared; a new election was held. Upon the whole, after considerable time spent in reasoning nearly on similar grounds with those of Mr. W. SMITH, he concluded by declaring that he was apprehensive the House would be acting rather precariously should they attempt any decision at present on the resolution proposed.

Here Mr. BOUDINOT proposed to read a paper in his place, containing information which he said was necessary to support the opinions he had advanced, and which paper went to prove that there was not a majority of votes in favor of the petitioner after deducting the illegal votes. Several members opposed the reading of these papers, and some asked why these papers had not been produced on the trial? To this it was replied by Mr. W. SMITH, that this testimony was not then necessary; it was also observed, that in case Mr. WAYNE's testimony should prove so many illegal votes against Mr. JACKSON, that, after all the bad votes were left out on both sides, it should appear that Mr. WAYNE had a majority notwithstanding, the House would be driven into a dilemma, for it might be demanded of them to declare his election legal after the House had already declared it illegal. Under these circumstances, it was judged improper to produce the evidence proposed to be read by Mr. BOUDINOT; and he accordingly withdrew it, and proceeded to make some further observations on the impropriety of agreeing to the motion under consideration.

Mr. LIVERMORE expressed some regret at the situation into which the House was driven in this business. He quoted the election laws of Britain, and drew several inferences therefrom, as the only precedents that could enable Congress to form a judgment. He also observed that special regard ought to be paid to the election law of Georgia. From the whole of his arguments, it appeared that unless a majority of votes in favor of Mr. JACKSON had been returned to the Governor, and from him transmitted officially to the Speaker, &c., he could not suppose him entitled to a seat.

Mr. HILLHOUSE was of opinion that, until such time as Congress enacted a law for regulating elections, there was no other rule to go by than the laws of the States; under this impression, he joined in opinion with Mr. LIVERMORE.

The question being now taken that this House

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doth agree to the said motion, amended to read as follows:

Resolved, That JAMES JACKSON is entitled to take a seat in this House, and that the right of petitioning against the election of the said JAMES JACKSON, be reserved to all persons, at any time during the term for which he was elected:”

It passed in the negative—yeas 29, nays 29—the House being equally divided.

And Mr. SPEAKER declaring himself with the nays—the yeas and nays, as demanded by one-fifth of the members present, were as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, Elbridge Gerry, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Abraham Venable, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, William Smith, John Steele, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

Resolved, That the seat of ANTHONY WAYNE, as a member of this House, is, and the same is declared to be, vacant.

Ordered, That the SPEAKER transmit a copy of the preceding resolution, and of this order, to the Executive of the State of Georgia, to the end that the said Executive may issue writs of election to fill the said vacancy.

THURSDAY, March 22.

A memorial of sundry public creditors, who loaned money to the United States between September, 1777, and March, 1778, was presented to the House and read, praying that the modification of their claims, suggested in the Report of the Secretary of the Treasury, made to the present session on the subject of the public debt, may be adopted. Referred to the Committee of the Whole House on the Report of the Secretary of the Treasury on the Public Debt.

The bill sent from the Senate, entitled “An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress,” was read the first time.

The House resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury, on the subject of the Public Debt; and, after some time spent therein, the Committee rose, and had leave to sit again.

Mr. WILLIAMSON, from the committee appointed, presented a bill for ascertaining the bounds of a tract of land purchased by John Cleves Symmes; which was received, read twice, and committed.

Mr. SMITH, of South Carolina, from the committee to whom was referred the petition of Henry Laurens, made a report; which was read, and ordered to lie on the table.

Mr. LIVERMORE, from the committee to whom was referred the petition of George Turner, one of the Judges of the Territory Northwest of the River Ohio, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of State, on the subject of a report on the commerce and navigation of the United States with foreign nations; which was read, and ordered to lie on the table.

A memorial of Benjamin Stiles, in behalf of himself and his associates, was presented to the House and read, praying that the contract between the United States and John Cleves Symmes may be so far varied, as to include the purchase made by the memorialist and his associates of the said Symmes, and to quiet them in their title and possession of the same.

Ordered, That the said memorial do lie on the table.

The House resolved itself into a Committee of the Whole House, on the report of the committee to whom was referred the memorial of the Directors of the Ohio Company of Associates; and, after some time spent therein, the Committee rose, and had leave to sit again.

Mr. MADISON, from the managers appointed on the part of this House, to attend a conference with the Senate on the subject-matter of the amendments depending between the two Houses, to the bill, entitled “An act for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the 3d day of March, 1797,” reported that the managers had, according to order, attended to that duty, and that, after offering the reasons for disagreement on the part of this House, and hearing those which were offered by the managers on the part of the Senate in answer thereto, several propositions, offered by the managers on the part of this House, for accommodating the said disagreement, not being acceded to by the managers on the part of the Senate, they had mutually determined to separate from the said conference without agreement.

A message from the Senate informed the House, that the Senate insist on their amendments disagreed to by this House to the bill, entitled “An act for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797.”

FRIDAY, March 23.

The House proceeded to consider the report of the committee to whom was referred the petition of George Turner, one of the Judges of the Ter-

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Apportionment Bill.

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ritory of the United States North west of the River Ohio. Whereupon,

Resolved, That the laws of the Territory North-west of the Ohio be printed under the inspection of the Secretary of State, and delivered to the Governor and Judges, to be distributed for the information of the inhabitants; that the official duties of the Secretary of the said Territory be under the control of the laws of the Territory; that the Governor and Judges have power to repeal their laws, if found to be improper; that a single Judge, in the absence of the other Judges, be authorized to hold a Court; that the Secretary of State provide seals for the said Territory; that the military power be subordinate to the civil power; that the limitation act, passed by the Governor and Judges of said Territory the 28th day of December, 1788, ought to be repealed by Congress; that certain expenses incurred by two of the Judges in purchasing a boat to carry the Judges and soldiers, as an escort on the circuit, and also for sending an express, amounting to ———, ought to be paid by the United States.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. LIVERMORE, Mr. LAURANCE, Mr. WHITE, Mr. WILLIAMSON, and Mr. SMITH, of South Carolina, do prepare and bring in the same.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act for altering the times of holding the Circuit Courts in certain districts of the United States, and for other purposes;" to which they desire the concurrence of this House.

A petition of Christian George Elholm was presented to the House and read, stating that he had discovered the cause of the motions and variation of the magnetic needle, and praying the patronage of Congress to aid him with the means of making experimental proofs and demonstration of his theory; or that he may now receive compensation as the survivor of five captors, who, during the late war, took and captured one hundred and eleven British regulars, one hundred and twenty-seven stand of arms, five armed vessels, mounted with thirty-six four-pounders, and manned with forty sailors, together with swivels, provisions, and other articles, all which were delivered for the use of the Army.

Ordered, That the said petition, so far as it respects a claim for services rendered during the late war, be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

The House proceeded to consider the Report of the Secretary of the Treasury, on the petition of the Trustees of the Grammar School and Academy of Wilmington, in the State of Delaware. Whereupon,

Ordered, That the said report and petition be referred to Mr. VINING, Mr. MERRICK, and Mr. ASHB; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An

act supplementary to the act for making further and more effectual provision for the protection of the frontiers of the United States;" to which they desire the concurrence of this House.

The said bill was read twice and committed.

The House resolved itself into a Committee of the Whole House, on the bill for ascertaining the bounds of a tract of land purchased by John Cleves Symmes; and after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. SENEY reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House, on the bill for finishing the lighthouse on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. SENEY reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House proceeded to consider the report of the committee to whom were referred the petitions of the merchants of the cities of New York and Philadelphia, importers of teas. Whereupon,

Resolved, That, for all teas imported into the United States since the 3d day of March, 1791, the duties whereon shall have been bonded, payable in one year, it shall be lawful for the officers of the customs to whom such bonds were given, to cancel the same, and to take other bonds in lieu thereof, payable in two years, (from the time of the importation of the teas for which the same is given): *Provided*, That such teas are deposited with the proper officer, agreeably to the provisions of the act of the 3d of March, 1791.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. LAURANCE, Mr. FITZSIMONS, and Mr. GERRY, do prepare and bring in the same.

APPORTIONMENT BILL.

The House proceeded to reconsider the amendments proposed by the Senate, which were disagreed to by this House and insisted on by the Senate, to the bill for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797. Whereupon,

The question being taken, that this House doth recede from their disagreement to all the said amendments, it was resolved in the affirmative—yeas 31, nays 29, as follows:

YEAS.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore,

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Frederick Augustus Muhlenberg, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, John Steele, Peter Sylvester, Geo. Thatcher, Thomas Tredwell, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, William B. Giles, Andrew Gregg, William Barry Grove, Daniel Heister, James Hillhouse, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, John Page, Josiah Parker, Joshua Seney, William Smith, Samuel Starrett, Jonathan Sturges, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

The House resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the petition of the Executors of Edward Carnes, deceased; and, after some time spent therein, the Committee rose, and had leave to sit again.

SATURDAY, March 24.

An engrossed bill for ascertaining the bounds of a tract of land purchased by John C. Symmes, was read the third time and passed.

An engrossed bill for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina, was read the third time and passed.

The bill sent from the Senate, entitled "An act to alter the time of holding the Circuit Courts in certain districts of the United States, and for other purposes," was read the second time, and committed.

A petition of the officers of the Massachusetts line of the late Army was presented to the House and read, praying that the subject-matter of a petition presented at the last session, representing the losses they sustained in the mode of compensation for their military services, may now be taken into consideration and relief granted. *Ordered*, That the said petition do lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act supplemental to the act, entitled 'An act making further and more effectual provision for the protection of the frontiers of the United States;'" and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House; and then the bill was read a third time and passed.

Mr. FITZSIMONS from the committee appointed, presented a bill to extend the time heretofore granted for the payment of the duties on certain teas imported after the third of March, one thousand seven hundred and ninety-one; which was received, read twice, and committed.

ESTABLISHMENT OF A MINT.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate,

entitled "An act establishing a Mint, and regulating the coins of the United States." The following amendment being under consideration, viz :

"In the tenth section, strike out the words 'Or representation of the head of the President of the United States for the time being, with an inscription, which shall express the initial or first letter of his Christian or first name, and his surname at length, the succession of the Presidency numerically;' and, in lieu thereof, insert, 'Emblematic of Liberty,' with an inscription of the word LIBERTY."

Mr. PAGE, in support of this motion said, that it had been a practice in Monarchies to exhibit the figures or heads of their Kings upon their coins, either to hand down in the ignorant ages in which this practice was introduced, a kind of chronological account of their Kings, or to show to whom the coin belonged. We have all read, that the Jews paid tribute to the Romans, by means of a coin on which was the head of their Cæsar. Now as we have no occasion for this aid to history, nor any pretence to call the money of the United States the money of our Presidents, there can be no sort of necessity for adopting the idea of the Senate. I second the motion, therefore, for the amendment proposed; and the more readily because I am certain it will be more agreeable to the citizens of the United States, to see the head of Liberty on their coin, than the heads of Presidents. However well pleased they might be with the head of the great man now their President, they may have no great reason to be pleased with some of his successors; as to him, they have his busts, his pictures everywhere; historians are daily celebrating his fame, and Congress have voted him a monument. A farther compliment they need not pay him, especially when it may be said, that no Republic has paid such a compliment to their Chief Magistrate; and when indeed it would be viewed by the world as a stamp of Royalty on our coins; would wound the feelings of many friends, and gratify our enemies.

Mr. WILLIAMSON seconded the motion also, and affirmed that the Romans did not put the heads of their Consuls on their money; that Julius Cæsar wished to have his on the Roman coin, but only ventured to cause the figure of an elephant to be impressed thereon; that by a pun on the Carthaginian name of that animal, which sounded like the name of Cæsar, he might be said to be on the coin. He thought the amendment consistent with Republican principles, and therefore approved of it.

Mr. LIVERMORE ridiculed, with an uncommon degree of humor, the idea that it could be of any consequence to the United States whether the head of Liberty were on their coins or not; the President was a very good emblem of Liberty; but what an emblematical figure might be, he could not tell. A ghost had been said to be in the shape of the sound of a drum, and so might Liberty for aught he knew; but how the President's head being on our coins could affect the Liberty of the People, was incomprehensible to him. He hoped, therefore, that the amendment would be rejected.

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Mr. SMITH, of South Carolina, agreed with Mr. LIVERMORE in opinion; adding, that the President representing the people of the United States, might with great propriety represent them on their coins. He denied that Republics did not place the images of their Chief Magistrates on their coins; and said, he was surprised that a member who so much admired the French and their new Constitution, should be so averse to a practice they have established; the head of their King is by their Constitution put upon their money. Besides, it was strange that for a circumstance so trivial we should lose time in debating, and risk the loss of an important bill.

The said amendment was again read, and a division of the question thereon called for: Whereupon,

The question being taken, that the House do agree to the first part of the said amendment, for striking out the words "or representation of the head of the President of the United States for the time being, with an inscription, which shall express the initial or first letter of his Christian or first name, and his surname at length, the succession of the Presidency numerically:"—it was resolved in the affirmative—yeas 26, nays 22, as follows:

YEAS.—Abraham Baldwin, Abraham Clark, Thomas Fitzsimons, William B. Giles, Andrew Gregg, Daniel Heister, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, John Page, Joshua Seney, Jeremiah Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, John Brown, Nicholas Gilman, Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Amasa Learned, Samuel Livermore, Cornelius C. Schoonmaker, Theodore Sedgwick, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

And then the question being taken that the House do agree to the second part of the said amendment, for inserting, in lieu of the words stricken out, the words, "Emblematic of Liberty, with an inscription of the word Liberty:"—it was resolved in the affirmative—yeas 42, nays 6, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Benjamin Bourne, John Brown, Abraham Clark, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Theodore Sedgwick, Joshua Seney, Jeremiah Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Egbert Benson, Elias Boudinot, Shearjashub Bourne, Amasa Learned, Samuel Livermore, and George Thatcher.

Ordered, That the said bill, with the amendments, be read the third time on Monday next.

MONDAY, March 26.

The bill sent from the Senate entitled "An act establishing a Mint, and regulating the coins of the United States," together with the amendment, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative—yeas 32, nays 22, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, John Brown, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Thos. Hartley, Dan. Heister, Dan. Huger, Philip Key, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, John Francis Mercer, Frederick Augustus Muhlenberg, John Page, Theodore Sedgwick, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, John Vining, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

NAYS.—Abraham Clark, William Findley, William B. Giles, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Israel Smith, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, and Alexander White.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

OHIO COMPANY OF ASSOCIATES.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of the Directors of the Ohio Company of Associates; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

Resolved, That the title ought to be made to the Ohio Company for so much of the lands in their contracts as they have actually paid for.

Resolved, That, in addition to the above quantity of land, there be also granted to the said Ohio Company, two hundred and fourteen thousand two hundred and eighty-five acres, being the proportion they were, by a resolve of Congress, authorized to pay in army rights, upon their delivering to the Secretary of the Treasury army rights sufficient for the purpose; and that there be also granted to the said company, in addition to the before-mentioned tracts, one hundred thousand acres, to make good one thousand lots of one hundred acres each, appropriated by the said company as bounties to such as might become settlers within the said purchase, upon condition, nevertheless, that the said company shall make good such bounties, as well to future settlers as to those already settled.

Resolved, That a title be made to the said company for the remainder of the one million five hundred thousand acres contracted for, upon their paying into the Treasury of the United States a sum not exceeding —

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cents per acre for the same, with interest from the passing an act for that purpose."

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. SEDGWICK, Mr. FINDLEY, Mr. BENSON, Mr. LEARNED, and Mr. BALDWIN, do prepare and bring in the same.

ESTABLISHMENT OF A MINT.

A message from the Senate informed the House that the Senate disagree to the amendment proposed by this House to the bill entitled "An act establishing a Mint, and regulating the coins of the United States;" and agree to the amendment proposed by this House to the bill entitled "An act supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States."

It was moved that the House should recede from their amendment to the bill entitled "An act establishing a Mint, and regulating the coins of the United States."

Mr. LIVERMORE supported the motion. He said he did not conceive it possible that any friend to the President of the United States, the Chief Magistrate, that great and good man, would have refused to pay every tribute of respect which was justly due to him. We have now a favorable opportunity of complimenting him, without any shadow of flattery, and without any expense. But, instead of this, what is proposed? An emblematical figure of Liberty. But what is this Liberty which some appear to be so fond of? He had no idea of such Liberty as appears to possess the minds of some gentlemen. It is little better than the liberty of savages—a relinquishment of all law that contradicts or thwarts their passions or desires. His idea of Liberty was that which arose from law and justice, which secured every man in his proper and social rights. Some gentlemen may think a bear broke loose from his chain a fit emblem of Liberty; others may devise a different emblem; but he could not conceive that any of them would be applicable to the situation of the United States, which justly boasted of being always free. If any idea of an emblem is necessary, he thought it might be applied to the head of the President of the United States. The present occasion affords the best opportunity of doing honor to the man we love; instead of which, we offer him an affront. He could not reconcile this conduct to propriety or consistency; for, while it is proposed to raise a monument to the memory of the President, which will cost fifty thousand guineas, a proposition to honor him in a more effectual manner, and in a way which will be satisfactory to the people, without any expense, and with perfect security to their liberties, is objected to. He hoped the House would recede.

Mr. MERCER replied to Mr. LIVERMORE with some degree of asperity. He observed that there was a rule in the British House of Commons that the name of the King should never be mentioned in any debate. He thought some such rule might be introduced with advantage into this House. In the course of his remarks, to show that the cir-

cumstance of having the President's head stamped on the coin could not be justly considered as doing him an honor, he said, that persons of no better character than a Nero, a Caligula, or a Helio-gabalus, may enjoy it as well as a Trajan, &c.

Mr. SENEY animadverted with severity on the remarks offered by Mr. LIVERMORE, and on the conduct of the Senate; particularly in returning the bill with a negative to the amendment of the House, within a period that left them no time to deliberate on the reasons which might have influenced the House.

Mr. GILES opposed the motion for receding. He adverted to the ideas which are connected with the subject in European countries. The President's head will not designate the Government. There is to be but one head; but does not our Government consist of three parts? Is there any other head proposed to be on the coin but the President's? He said this circumstance was of a piece with the first act of the Senate. It had a near affinity to titles, that darling child of the Senate, which has been put to nurse, with an intention that it shall be announced at some future period in due form.

Mr. BENSON said, he supposed he should be extremely disorderly were he to mention the motives which influenced the Senate in their discussions. He knew not what they were, nor was it of importance that he should. He then observed, that plain pieces of metal will not answer for money; some impression is necessary to guard against counterfeits. The Senate have determined what the device shall be; but the House, by their amendment, have left the matter entirely to the judgment of the artist, who may form such an emblem as suits his fancy. Mr. B. ridiculed the idea of the people's being enslaved by their Presidents, and much less by his image on their coin.

Mr. PAGE replied that he was sorry to find that some gentlemen endeavored to ridicule Republican cautions. He thought it both indelicate and inconsistent with their situations, as well as highly impolitic. He confessed that, as long as the people were sensible of the blessings of liberty, and had their eyes open to watch encroachments, they would not be enslaved; but if they should ever shut them, or become inattentive to their interests and the true principles of a free Government, they, like other nations, might lose their liberties; that it was the duty of the members of that House to keep the eyes of their constituents open, and to watch over their liberties. It was therefore unbecoming a member to treat with levity and to ridicule any sentiment which had that tendency. For his part, he thought it the peculiar duty of the Representative of a free people to put them upon their guard against anything which could possibly endanger their liberties. That with this view he warned his constituents of the danger, not merely of imitating the flattery and almost idolatrous practice of Monarchies with respect to the honor paid to their Kings, by impressing their images and names on their coins, but he wished to add as few incentives as possible to competitors for the President's place. He warned his

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country against the cabals, the corruption, and animosities, which might be excited by the intrigues of ambitious men, animated with the hope of handing their names down to the latest ages on the medals of their country. But this indiscriminate honor is unworthy of the President's acceptance. A Nero, a Caligula, a Heliogabalus, it has been observed, [by Mr. MERCER,] may enjoy it as well as a Trajan. To apply it to the present Chief Magistrate, alone, would be less exceptionable. But this would be highly improper; for, if he should pass an act for this purpose, it might blast his reputation. I am of opinion that the Senate knew his delicacy would not permit him to pass such an one. They have therefore extended the compliment to all his successors. We are under obligations to the great man now our President; but a lover of Liberty and friend to the Rights of Man, would be cautious how he showed his sense of that obligation. As a friend to the President, I am unwilling to offer him a compliment which, if accepted, might damn his reputation. Were I in his place, I would cut off my hand rather than it should sign the act as it now stands. Were I his greatest enemy, I should wish him to pass it as it was passed by the Senate. Sir, I am as much his friend as the member from New Hampshire, and have shown, at proper times and places, that I was so. I am too sensible of the honor our President has acquired to suppose that an unbecoming compliment can in any degree contribute to its increase. I hope, therefore, the amendment which the House has made will not recede from.

The question being now put, that this House doth recede from the said amendment, it passed in the negative—yeas 24, nays 32, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, John W. Kittera, Amasa Learned, Samuel Livermore, Theodore Sedgwick, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Alexander White, and Hugh Williamson.

Resolved, That this House doth adhere to the said amendment.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

TUESDAY, March 27.

A message from the Senate informed the House that the Senate recede from their disagreement
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to the amendment adhered to by this House to the bill entitled "An act establishing a Mint, and regulating the coins of the United States."

DEFEAT OF THE ARMY UNDER GENERAL ST. CLAIR.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That the President of the United States be requested to institute an inquiry into the causes of the late defeat of the army under the command of Major General St. Clair; and also into the causes of the detentions or delays which are suggested to have attended the money, clothing, provisions, and military stores, for the use of the said army, and into such other causes as may, in any manner, have been productive of the said defeat:—

Mr. VINING inquired what was the object of the resolution? In what way was it to be carried into execution? For, if the House is not furnished with some answer to these inquiries, he did not see how gentlemen could vote for it. He conceived that this indefinite mode of procedure would only embarrass the President, without producing the desired effect. He was in favor of a full and complete investigation of the subject; and, if there has been any deficiency, let those who are to blame be impeached. He was not disposed to screen any officer from justice, let him be of what rank he may; but he was not satisfied with the mode now proposed. He did not consider it as constitutional or practicable.

Mr. BOUDINOT said, he was surprised to hear the gentleman from Delaware express a doubt of the practicability of instituting an inquiry into the late unfortunate business in the mode proposed. For his part, he saw no such difficulties in the way, as appeared to the gentleman. Mr. B. then stated certain complaints which existed, and were currently reported—such as a failure of the contracts, and, for aught that appeared to the contrary, the misfortunes of the army may be traced to that cause. Other complaints are circulated, respecting which the public have a right to be satisfied. The present proposition goes no further than a simple request. Having signified the wish of the House, the President may adopt such measures in relation to the subject as he may see proper.

Mr. GILES supported his motion. He conceived that the inquiry was indispensable, and the mode proposed strictly proper. The business must begin somewhere. This House is the proper source, as the immediate guardians of the public interest.

Mr. VINING rose to explain. He stated various difficulties which would impede the progress of the matter in the informal mode proposed. These, he observed, were so great as to involve an impossibility of prosecuting the investigation to any purpose. He supposed that a more proper and constitutional way would be to call on the Heads of Departments to give an account of their conduct.

Mr. CLARK observed, that it was evident the public mind was greatly agitated. An inquiry was necessary. If the mode proposed should not

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prove agreeable or convenient to the President, he will let us know it.

Mr. W. SMITH observed, that this was the first instance of a proposition on the part of this House to inquire into the conduct of officers who are immediately under the control of the Executive. In this view of the subject, the resolution proposed could not but be considered as an impeachment of the conduct of the First Magistrate. Mr. S. then adverted to the division of the powers of the Government expressly provided for in the Constitution. Gentlemen have discovered great solicitude to keep the branches separate and distinct; but, on this occasion, from the consideration that this House is the grand inquest of the nation, they seem to discover a disposition to go into a similar mode of conduct with the National Assembly of France, who spent a whole night in examining a drum major. He would not say that they had not a right so to do, but he believed no gentleman would justify such a line of conduct on the part of this House. He then particularized the several objects of inquiry in relation to the present subject. He showed that the Constitution had made provision in all the several cases. And as it was the duty of the President of the United States to carry the laws into execution, it ought to be shown that he has been remiss in his duty, before he is called on in this way. He noted the account published by the Secretary of War, by direction of the President, and considered as his act. After several other remarks, Mr. S. concluded by saying that, in any case where it shall appear that the Supreme Executive has not done his duty, he should be fully in favor of an inquiry; but, till that was done, he trusted the measure would not be adopted, without at least a previous and full discussion.

Mr. WILLIAMSON said, he doubted the propriety of the resolution, in its present form; but was fully of opinion that an inquiry into the expenditure of all public money was the indispensable duty of this House. He proposed the appointment of a select committee to inquire and report.

Mr. KITTERA moved to amend the resolution by substituting a select committee.

Mr. VENABLE was in favor of the original motion. He conceived that it was the only proper mode of proceeding. Nor had he any apprehension that the President would consider it as encroaching in the smallest degree.

Mr. GILES contended that his motion was so far from tending to blend the several branches of Government, that its effect would be the reverse.

Mr. STEELE said, he was indifferent as to the mode, provided the matter was fully gone into. The gentleman from South Carolina has mentioned the Report of the Secretary of War, and has said that it is considered as the act of the President of the United States. Mr. S. denied that it was the President's act. It was not satisfactory. Will any gentleman on this floor say it is satisfactory to him? He enumerated several articles of complaint, and observed that he had no great doubt that an inquiry would lead to an impeachment. Justice to the public, and the officers

particularly concerned, loudly demands an inquiry.

Mr. VINING here moved that the resolution should be committed to a select committee.

Mr. BEUDINOT objected to the idea of a committee. He said the time would not admit of it. Witnesses are perhaps eight hundred miles off. What progress can a committee make in such a business? He denied that it was the duty of the President to institute the inquiry, unless he was requested to do it. The magnitude of the objects of inquiry would involve such an expense that the President would not be justified in incurring it, unless he was authorized by the House. He then stated some particulars to show the practicability of the measure—among others, that there were a sufficient number of officers present to form what is denominated a Court of Inquiry.

Mr. BARNWELL was opposed to the original motion. He considered it as informal, and suggested what he considered as the proper mode of procedure, which was, to call on the several officers of Government for such information as may be necessary. He was against the commitment.

The motion for a select committee was negatived.

The question then was on agreeing to the resolution.

Mr. HILLHOUSE said, he believed this was the first time that it was ever contemplated to appoint a Court Martial to inquire into the expenditure of public money.

Mr. FITZSIMONS said, he conceived that several parts of the resolution were improper. He thought that it was entirely out of order to request the President of the United States to institute a Court Martial or a Court of Inquiry. The reasons and propriety of such Courts are better and more fully known to the President than to the members of the House. He was in favor of a committee to inquire relative to such objects as come properly under the cognizance of this House, particularly respecting the expenditures of public money; and if the resolution should be disagreed to, as he hoped it would, he should then move for such a committee.

Mr. BALDWIN said he had made up his mind on the subject. He was convinced the House could not proceed but by a committee of their own. Such a committee would be able to throw more light on the subject, and then the House would be able to determine how to proceed; and, if any failure had taken place on the part of the Executive officers, he should then be prepared to address the President, and to request him to take the proper steps in the case.

Mr. SENEY advocated the resolution, and urged several objections against a committee.

Mr. HARTLEY said, as it was probable some degree of odium would fall on those who might vote against this resolution, he thought proper to give some reasons why he should vote against it. These were similar to what had been offered by several other gentlemen against the resolution, as being improper and informal.

Mr. MADISON started some difficulties in the

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case. He said the House ought to deliberate well, before they requested the President to do a thing which he had it not in his power to do. It was evident that the object of a Court Martial or Court of Inquiry must be to elucidate facts which would require the presence of officers, who could not possibly give their attendance in season to meet the object of the resolution. He made some further remarks, and then the question on the resolution was put, when—

A division of the said motion was called for; and the question being put, that the House do agree to the first clause thereof, in the words following:

Resolved, That the President of the United States be requested to institute an inquiry into the causes of the late defeat of the Army under the command of Major General St. Clair:—”

It passed in the negative—yeas 21, nays 35, as follows:

YEAS.—John Baptist Ashe, Elias Boudinot, Abraham Clark, William Findley, William B. Giles, Benjamin Goodhue, Daniel Heister, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Thomas Sumpter, Peter Sylvester, George Thatcher, Thomas Tredwell, Abraham Venable, Artemas Ward, and Francis Willis.

NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, John Brown, Thomas Fitzsimons, Nicholas Gilman, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Amasa Learned, Samuel Livermore, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Starrett, Jonathan Sturges, John Vining, Alexander White, and Hugh Williamson.

And so the said motion was rejected.

Another motion was then made and seconded, that the House do come to the following resolution:

Resolved, That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair; and that the said committee be empowered to call for such persons, papers, and records, as may be necessary to assist their inquiries.”

And the question being put that the House do agree to the same, it was resolved in the affirmative—yeas 44, nays 10, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Shearjashub Bourne, Benjamin Bourne, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Josiah Parker, Theodore Sedgwick, Joshua Seney, Jeremiah Smith, John Steele, Samuel Starrett,

Jonathan Sturges, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, John Vining, Artemas Ward, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Benjamin Goodhue, James Hillhouse, John Page, Cornelius C. Schoonmaker, Israel Smith, William Smith, and Thomas Sumpter.

Ordered, That Mr. FITZSIMONS, Mr. GILES, Mr. STEELE, Mr. MERCER, Mr. VINING, Mr. CLARK, and Mr. SEDGWICK, be appointed the said committee.

Ordered, That the Secretary of the Treasury and the Secretary of War return the petitions presented to this House by invalids and others, whose cases are comprehended in the provision of any act of the present session, with the papers accompanying the said petitions, which have been referred to them, and are now in their respective offices; and that the several petitioners have leave to withdraw their petitions.

The House proceeded to consider the report of the committee to whom was referred the petition of the officers of the levies late in the service of the United States. Whereupon,

That part of the said report in the words following:

“That the said officers are entitled to a similar bounty allowed to the officers of the regiments, for each recruit by them enlisted; and that a special provision be made therefor,”

being read, was, on the question put thereupon, disagreed to by the House.

Resolved, That the said petition be rejected.

WEDNESDAY, March 28.

Mr. FITZSIMONS, from the committee to whom were referred the Treasurer's accounts of receipts and expenditures of the public moneys, from the 1st October to the 31st December, 1791, inclusive, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the returns of duties arising on imports and tonnage for one year, ending the 30th September last, and a return of exports to the same period; which was read, and ordered to be committed to Mr. PARKER, Mr. KEY, and Mr. GILMAN.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury respecting the Public Debt; and, after some time spent therein, the Committee reported progress, and had leave to sit again.

A message from the Senate informed the House that the Senate have passed the bill entitled “An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina.”

THURSDAY, March 29.

Mr. SEDGWICK, from the Committee appointed, presented a bill authorizing a grant and conveyance of certain lands to the Ohio Company of

Associates, on the terms therein expressed; which was received, and read twice and committed.

Mr. STEELE, from the committee to whom was referred the report of the Attorney General on the petition of Andrew Jackson, made a report; which was read, and ordered to lie on the table.

Mr. VINING, from the committee to whom was referred the Report of the Secretary of the Treasury on the petitions of the Minister and Trustees of the Lutheran Church in Rheland township, Chester county, in the State of Pennsylvania; of the Wardens of the Calvinist Church in Vincent township, in the county and State aforesaid; and of the Trustees of the Grammar school and Academy of Wilmington, in the State of Delaware, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of William Smith, of the town of Baltimore; which was read, and ordered to lie on the table.

THE PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House on on the Report of the Secretary of the Treasury on the subject of the Public Debt.

Mr. GILES proposed a clause to be added to the first proposition offered by Mr. FRITZSIMONS, the object of which was to preclude the admission of the irredeemable principle in the debt hereafter to be subscribed to the loan of the United States. Mr. G. supported his motion by adducing sundry reasons. The creditors, by not availing themselves in season of the chance of subscribing under the terms of the first subscription, the Government are under no obligation to renew those terms. He said his motion was to have a subsequent operation, and therefore cannot be considered as an infraction of existing contracts. The irredeemable principle, he observed, is an exotic, and appears to have been adopted without a due consideration of its applicability to our circumstances. The funding system of Great Britain has prostrated that Government. The prosperity of that country is not owing to its financial arrangements; Great Britain is in its decay; this Government is in its youth. It is improper for us to use such stimulants as may be necessary to induce vigor in age. The irredeemable quality is the result of necessity in the funding system of Great Britain; and that principle will operate its ruin. The argument drawn from a violation of contracts applies as well to the first system as to that now proposed; the reduction of the interest was a violation of the original contract.

He then entered into a consideration of the principle of equality, and showed from the present state of the debt, part of it being in the hands of those who were inimical to the cause which this debt was contracted to support, the obligation of the Government to add to the gift, which in fact has already been made to these people, by infusing this irredeemable quality, may well be questioned. He added some further remarks, and con-

cluded by saying, he hoped that a principle which would be so fatal to the United States would be rejected, by adopting the proposition he offered.

Mr. AMES offered various estimates, by which he demonstrated that funding the debt on the principle now opposed would not incapacitate the Government from discharging it; on the other hand, it would facilitate the object greatly.

Mr. LAURANCE observed, that the opposers of the proposed system, after offering various motions, appear at last to be agreed in a specific object. He denied that the consequences which it had been said resulted from the funding system of Great Britain had taken place. Adverting to the operation of the system in this country, he said the observations were no better founded. With respect to the irredeemable quality, it was not a novel circumstance: under the old Congress foreign loans had been made on a similar principle. It is well known that the old Congress contracted a debt which they could not discharge under ten years; and the payments then could be only made by instalments. No fault had ever been found with this transaction. He then entered into a general defence of the funding system; and, adverting to its operation, he showed what had been done. The credit of the country had been raised from the lowest ebb, and a larger sum of the debt had been paid off than any man in the country had any conception of. Here he noticed some remarks which had been made yesterday by a gentleman, who had said that the Secretary had insulted the House by his propositions; and said, in his opinion, such reflections were not merited by an officer who had done so much for his country. He defended the irredeemable principle, and showed the advantages which the country derived from it. He further remarked, that the Government was not precluded from exerting its faculties in discharging the debt to as great a degree as any person had proposed, or as had been considered prudent; and while the United States are thus circumstanced, the douceur to the creditors, in the principle now opposed, is in fact no possible disadvantage to the Government.

Mr. MERCER said the funding system was not understood by the country at large, and he was not surprized when he found it was not understood in this House. He was glad, therefore, to hear observations thrown out, which served more fully to develop this system. The irredeemable quality he was astonished to hear advocated by any gentleman in this House; for sure he was that no measure of the Government was more odious elsewhere, or more universally execrated. He adverted to some of the financial operations of the British Government, and drew a comparison which placed the funding system of this country in a less eligible point of view than that of Great Britain. He said that by an easy process it could be made to appear that one-half, or at least one-third, of the six per cents might have been paid off, viz: by borrowing at three or four per cent. This is the mode which the British minister adopted. He showed, from certain state-

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ments, that this irredeemable quality operated to the injury of the holders of the three per cents of the United States. The British three per cents were at 100 per cent. for a number of years together. He denied that the loans which had been made by the old Government were on the irredeemable principle. He said the terms were in favor of the borrower on exactly similar principles with the contracts in common life. He introduced some observations of those who had written on the subject of finance. He said that funding systems had uniformly operated to the destruction of the common people; the principle has raised a splendid superstructure on no foundation whatever. He contrasted the situation of the modern with the ancient Dutch Republic. He stated the enviable situation of the Swiss Cantons; this, he said, was an eulogium on the steady produce of labor and industry.

Mr. GERRY stated his ideas on the irredeemable principle. He defended it on the grounds of justice and policy. He then adverted to the operation of the funding system. It had changed the whole face of our affairs—had transformed us from the vassals of foreign creditors to freemen—had revived the trade, agriculture, and manufactures of the country, and placed the credit of the United States on an equality with that of the most flourishing European Governments, and in a situation much superior to some of them.

Mr. HEISTER, in a speech of some length, opposed the irredeemable principle, and the funding system in general.

Mr. FINDLEY said he was opposed to the irredeemable quality; he doubted whether it was not going beyond what is allowed by the Constitution. He had heard it often said, that principle was infused into the system on the idea of its being an equivalent for a reduction of the interest; this idea seems to be assumed by gentlemen, but he had not heard any of them adduce any reason in support of it. He did not think it in any degree an equivalent, nor did he think the creditors considered it in any such light. He was not unacquainted with many of the public creditors; they did not consider this as an equivalent; the debtors, in this case, assumed the office of judges, and they only considered what was an equivalent. He admitted that the debt was above par; but common interest had not declined; it was in fact higher than at any period during the war; this, he said, showed that the irredeemable quality was not an equivalent. Hence, he inferred the credit of the country was not supported by the funding system; the present credit of the country is a nominal and destructive credit; therefore, he insisted that, admitting the residue of the creditors to loan on this principle, will not be giving them an equivalent. He considered the funding system, from the first, as tending to the interest, not of the citizens, but of foreigners; it has given rise to one bubble after another, which have deluded our citizens to their destruction. He denied that it had increased the specie, or circulating medium, or raised the value of the lands, or promoted the manufactures or industry of the country. The

reverse of all this, he said, were facts; credit between man and man is lessened; extravagance and immorality have spread their baneful influence. He then adverted to the system generally, and reprobated it as a departure from the original contract—that contract which was most solemnly guaranteed by the Constitution.

What is the obligation of the Government in respect to the residue of the debt? He conceived that the present Congress was perfectly clear to act agreeably to the principles of the original contract, as much so as the first Congress. In providing for the residue, he said the Government was bound to provide for it by a provision to pay six per cent., but not to pay interest on interest. Here he entered into a consideration of the policy of funding the facilities. This he reprobated, as unnecessarily increasing the public debt; and he could conceive of no other reason but that of increasing the debt which gave rise to this measure—a measure which ought not to have been adopted, and ought to have been prevented by the States doing their duty. He denied the right of one Congress to say that another shall not provide for paying off the whole of the debt, or of any part of it; for this reason he considered it unconstitutional, and should vote against the irredeemable quality. He had no doubt of the right of Congress to alter the funding system in regard to this principle, and that they would do it whenever they thought proper.

The question being put on Mr. GILES's motion, it was negatived—32 to 25.

And then the House adjourned.

FRIDAY, March 30.

Mr. PARKER, from the committee to whom was referred the Letter from the Secretary of the Treasury, accompanying returns of the amount of duties arising on imports and tonnage for one year ending the 30th September last, and a return of exports for the same period, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the Committee to whom was referred the Report of the Secretary of the Treasury on the petitions of the Minister and Trustees of the Lutheran church, in Rheland township, Chester county, in the State of Pennsylvania; of the Wardens of the Calvinist church in Vincent township, in the county and State aforesaid; and of the Trustees of the Grammar School and Academy of Wilmington, in the State of Delaware: Whereupon,

That part of the said report, in the words following, was agreed to by the House, viz:

“That the sum of ——— be allowed for the use of the Grammar School and Academy of Wilmington, in the State of Delaware, and that provision by law be made for that purpose.”

Ordered, That a bill or bills be brought in pursuant thereto, and that Mr. VINING, Mr. MERCER, and Mr. ASHE, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed the bill, entitled “An act more effectually to provide for the national de-

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fence, by establishing an uniform Militia throughout the United States," with several amendments; to which they desire the concurrence of this House.

THE PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury on the subject of the Public Debt.

The following resolution of Mr. FITZSIMONS, being under consideration, viz:

Resolved, That the term for receiving on loan that part of the domestic debt of the United States which yet remains unsubscribed, be extended to the first day of _____ next, on the same terms as was provided by the Act making provision for the Public Debt of the United States."

Mr. MERCER rose and offered a proposition to the Committee to the following effect: That the unsubscribed debt of the United States should be admitted to subscription on the following principles: "That subscribers should be entitled to stock of the United States for their principal debt, bearing an interest quarterly at the rate of five per cent. per annum, and, for the interest due thereon to the time of subscription, stock bearing an interest payable quarterly at the rate of three per cent. per annum, until redeemed;" which being seconded by Mr. PARKER, Mr. MERCER proceeded to observe, that the resolution of the honorable member of Pennsylvania now before the Committee, and to which this was offered as an amendment, involved two questions, which, however united in form and blended in discussion, certainly required, by the just order of deliberation, a separate vote.

The first question was, Whether we should now propose a subscription on loan of the unsubscribed debt of the United States? And then the second would be, Whether we should pursue principles originating in speculative theory, and an experiment abandoned equally by bold projectors and blind admirers? such as those of the present Funding System.

The House was now free to act for the benefit of the United States. The holders had not come in by the time limited in the first proposal for subscription. They remained now creditors of the United States on the terms of the original contract, and if the United States proposed a new contract, they were at liberty to offer such as a full consideration of the subject and the benefits of experience now recommended.

The chief merit or demerit of the proposition before the Committee rested on the leading features of the old system. The funding a debt or transferring by way of mortgage to a particular class of persons, whether citizens or foreigners, the public resources, was, in its simplest form, a momentous measure; but, when complicated by principles unalterable and irrevocable by ourselves or posterity, it assumed an awful aspect.

Such principles had hitherto been adopted in a great measure without inquiry, and swallowed without hesitation, but they included all that was dear to society. They should be now developed,

and the American mind thoroughly informed on the prominent features at least—the *irredeemable quality*, and the *deferred stock*.

Called upon to act, a mind in which nature had implanted the seeds of justice, would first well examine the right, and then cautiously consider the policy.

That Congress have the right at all of mortgaging the revenues of the Union, or laying a tax irrevocable or unalterable by a future Congress, is at least questionable. In speaking of a right, I mean what can or cannot be rightfully done. I exclude all idea of force, violence, or breach of public faith. On a question of right, these considerations are withdrawn. If they can rightfully do it, they rightfully bind a next Congress; who cannot, if they ought not, either alter or annul the obligation. But if this right does exist, it does not extend to the admission of the principles of this resolution. That a deferred stock and an irredeemable quality are in violation of natural right, and of the Constitution of the United States, can, I think, be easily demonstrated.

Our natural reason, independent of the written Constitution, will tell us; that a Legislative Body, deriving authority from the same source, and under the same grant, must continue equal in power through every period of its existence. Different sessions have equal rights. If a preceding session could make laws which a subsequent session could not repeal, the Legislative power would be gradually abridged by the exercise, and eventually annihilated. The power of repeal is the renewing principle essential to its existence; and, although the mutability of human affairs may not require, and convenience may have suggested the rule that it should not be exercised during the same session, yet this rule does not destroy the right: it still is frequently and always will be exercised whenever occasion shall require it. But this right of repeal has never been doubted as applying to a subsequent session, except in the singular case of mortgaging revenues or laying an irrevocable tax. As this is the most important of all Legislative powers, and that which in fact includes all others, it demands serious attention. The existence of a nation depends on the possession of resources. These have their natural limits, beyond which they cannot be extended. A Legislative power of anticipating the public resources, or transferring the revenue, has no limits defined or prescribed until it arrives at the physical inability to raise more supply. They who anticipate are the judges of the exigencies of the State, and the extent of the funds required. But as exigencies will happen hereafter as well as now, and as Government will always have the natural right of subsisting itself, and providing for future exigencies, as they arrive, they will find the necessity, and with it the natural right of reversing the system ultimately, and of repealing the mortgages already made, to the extent that the necessity, in their judgment, may require. The right existing to undo what was done, decides this question, that nothing can have been rightfully done by the preceding Legislature, which the succeeding Legislature cannot as rightfully undo. A

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power then of mortgaging the public revenues or laying an irrevocable tax, being repugnant to natural reason, will, I trust, not be found in the letter of the Constitution of the United States, and will appear utterly inconsistent with its spirit.

Generally speaking, the Legislative power is conferred on the Congress of the United States; each succeeding session being equal to the Congress of the United States with the preceding, must derive equal rights from a grant confined and limited to no particular session. And in no particular part of the Constitution is any such power expressed or implied. It is not in the power of laying taxes; because this is laying taxes without repeal, and there is no such additional clause in the Constitution. The power of laying taxes is granted in the same manner as all the other specified powers. If they can exercise this rightfully without a power of repeal or modification, they may exercise all the powers in the same manner—they are all given in the same terms: this will not, I suppose be contended for.

Is such a power included in the power of paying the debts of the United States? I apprehend not. If Congress had the money, they might pay the debts, no doubt; but if they have not, and are obliged to resort to taxes to raise the money—as it is physically impossible to raise by their authority all the money, without interfering with the rights of a future Congress—all that is incumbent on them to do, is to raise as much as they can, and then the unperformed obligation descending upon the succeeding Legislature with equal force, constitutes the true and only real principle of public credit in a free Government; for, no theory will admit the position, nor will practice support the idea, that the principles of morality and the force of public faith will be confined to one session. Reason and experience show it, that these principles will aid a future Legislature as well as ourselves; they then will do as we have done, contrive to pay as much as they can. *On this credit*—a credit founded on the terms of the Constitution—the United States are empowered to borrow money; the Constitution is admitted as of notoriety; well understood by the money lenders. The same power was given to the old Congress, to borrow money on the credit of the United States; they confessedly had no power of mortgaging the resources of the Government, and laying an irrevocable tax, for they notoriously had no power of laying a tax at all. Yet they borrowed money abroad, before we could be considered as a nation, in the midst of a war, that shook the credit of an old established and opulent adversary; and they sustained a credit at home, which, however productive of individual losses, carried us triumphantly through a contest that cost our enemies one hundred and ten millions sterling.

It may be said, they contracted a debt that we are now called on to pay. Admitted, and that it is a sacred debt; but the original holders, who have certainly as much claim as any subsequent purchasers, trusted to the old Constitution without this power, and the sixth article of the new Constitution places this debt precisely on the same foot-

ing as it was before, so that there can be no such claim on the original contract.

But it may be further said, that they have made a new contract, since the adoption and on the faith of the new Government. Then let them show under what part of that Constitution, either in letter or spirit, they can expect this mortgage, this irrevocable tax, in their favor.

Having thus examined the letter, let us advert to the spirit.

Every free Constitution made for the use of man, infers that the various necessities and unforeseen events which characterize human affairs forbid the irrevocable quality of laws. By our Constitution, and that of every Government that really contemplates the rights of freemen, the grant and distribution of taxes, or the public contributions, is confined to the Representatives of the people. When I speak of the Representatives of the people, I do not speak according to the new fashioned doctrines of the day, that the Executive and Senate are Representatives of the people; they only represent the people in my idea, whom the people themselves depute to represent them. If persons elected by the people elect others, they are not the Representatives of the people; they may be Representatives of the Representatives of the people, which is a very different thing in form and effect. The power of laying taxes, the burden of which must fall on the great mass of the industrious poor, who feel every deduction from the fruits of their labor as a diminution of the sources of life, should rest with those immediate Representatives, over whom these persons have a constant control, to whom they are responsible and whom they may frequently remove. But if one weak or corrupt set of Representatives, could, by an imprudent or wicked act, transfer all the attainable resources of society in such a manner that a future set of Representatives could have no power over them without the concurrence of the Executive and Senate, then all this principle of the Constitution is utterly evaded.

But it may be said, that exigencies of State will arise—wars may happen, when it will not be possible to raise the necessary supplies within the year. What is to be inferred from this? Only that we must anticipate, not borrow. This power is certainly given to the new Government, and was to the old it is not denied; but it has been explained. Is it intended that we cannot borrow without pledging particular resources or laying irrevocable taxes? Surely no; because we have certainly borrowed without, still do it, and all nations do it; and unless this can be proved, no right can be inferred; for a right not expressly given, is only to be inferred from necessity. If it should be said that we cannot borrow on such good terms, this quits the ground of right, and dwindles into a question of expediency and convenience, on which I shall observe; but, for the present, it is to be remarked, that exigencies and wars may happen hereafter, and at all times as well as now, and at any other time: and on these principles, will be found as sound arguments for the right of repeal and revocation as of anticipation.

Funding Systems and anticipations have endeared public debts to all Administrations, because they get into their hands and disposition (and make them account when you can) all the attainable resources of society, without the necessity of frequently applying to the Representatives of the People, who have usually accompanied their supplies to Government with an inquiry into its errors, and a rectification of its abuses, which are sometimes very inconvenient things to Administrations.

The right has, I believe, ever been defended on this principle: it has been urged that a nation is a body politic and corporate, and never dies; and has, therefore, a right to contract, and bind itself by its contracts. The principle, although not founded in analogy, may be true in a degree, and merits examination. Society, by law, may dispose of wealth to individuals upon specified terms, and create fictitious personages and powers with specified rights. This is a modification of the creature of society, by the creative hand of the Constitution; but we should be unsupported by any principle, if we were to apply these qualities to the Constitution, which is the creator; and which acknowledges no superior but God, the natural law which he imprinted in the mind of man, and the power of the people who made it, and by express compact, defined its qualities, powers, and attributes; from neither of which sources, can we derive the qualities thus contended for; but even to admit the analogy, every society, I believe, that has created this legal fiction of a corporate body, have found, by experience, that the usufructuaries are so unmindful of those that are to come after them, that they have generally, if not universally, limited their alienations and mortgages of their revenues to the space of twenty-one years; after which, the obligation of the contract ceases.

In fine, should we admit, which is really a questionable point, that a majority of society, or the present generation of adult age, (capable of contracting) could, by themselves, personally, or by their Representatives, constitutionally, bind themselves by contract and mortgage their industry, so that a future assemblage of the same persons, or their Representatives, could not *rightfully* avoid the obligation, but would remain bound; yet, as it is a slender and equivocal right, it should at least be exercised with some regard to decency and respect to such future assemblage.

For a Government, at its commencement, to contract debts greatly beyond its immediate resources, to dispose of almost the whole of the attainable revenue in a manner to create, by assuming debts from Governments who were sinking them fast, and were altogether opposed to such assumption, and thus opening a door for the revival of liquidated claims, and make it the interest of States to make out as large a debt as possible, to get a greater share of the general plunder, is certainly covering the weakness of the right by the boldness of the exercise. And then to say to the such future assemblage, "that they shall not pay when they are able," is subjecting them to conditions that none but a lunatic in private life would submit to, and this in direct violation of the

Constitution, which gives to Congress the express power of *paying the debts of the United States*. Can this power of Congress be abridged or destroyed by any contract with a creditor? Such a principle could never bind; it would not be upheld in a private case; it was arbitrary in adoption, shameful in continuance, and would be criminal, perhaps, in imitation.

But, should we admit that a majority of the present generation may so bind themselves and mortgage their own industry, yet, the extent of this power is to be defined. The grand and important question yet remains to be discussed—a question that never has been, and perhaps never will be, fairly met—Can they sell or mortgage the labor and industry of another generation—of posterity? Are they the judges of the extent and conditions? That they cannot, and are not, is as demonstrable as any proposition in Euclid.

The God of Nature has given the earth to the living. That He will make our children and our children's children as free as He made us, is what no parent, I trust, will deny. Under the Divine impression, the voice of United America has declared that we cannot deprive posterity of their natural rights, which, from generation to generation, must continue the same as we came into the world with; we have a right to the fruits of our own industry—they to theirs.

The infringements of this sacred law, I believe, more often arise from a want of accuracy and precision of reflection, than a desertion of moral principle.

Were all men born on one day, and died on another, the separate rights of posterity would then be as distinctly visible as the line that would divide the one generation from another; but, although the human race flows like a constant stream, in an uninterrupted course of renewal and decay, the rights of the separate parts are the same in reality as if they could be readily and easily distinguished in practice.

That there is a period at which the majority of adults capable of contracting, now living, will give place to a majority of adults equally capable, of the succeeding generation, is as certain as the great principle of mortality itself. This period may be ascertained with sufficient precision for every practical purpose, by the recorded bills of mortality; they are admitted in municipal legislation, and constitute its leading and distinguishing traits. By the calculations of Mr. Buffon, it does not extend beyond nineteen years; but, to give the present the ultimatum of their pretensions over the future, would not carry it beyond twenty years—the period limited by the English law; after which, even a private debt ceases to exist.

And surely these bounds, which nature has established, afforded ample scope for any reasonable anticipations. Can we figure any exigencies of State that ought or can require, from their termination, an anticipation of the resources of Government for a greater length than twenty years? or, that a mortgage of the labor of society should be sold by any contract irrevocable for a greater

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term? Go beyond this, and you seize on the rights of posterity; pass this bound—there is none other that nature or reason can assign—the great mass of the industry and labor of all future generations becomes then yours to the extent, and on what conditions, you please to prescribe: no other line can be drawn.

Such a principle is against the laws of God and man; it inverts the whole order of society; it sweeps away, in a torrent, every check and safeguard of Government, and arms any Despot, any Administration, with means not sanctioned by nature, to bind in chains their fellow-men.

In the first place, it destroys that great principle which alone was the cause of the war with Great Britain; which cost us the blood of our heroic countrymen, and which involved us in the debt. That taxation and representation should go hand in hand. We have no one quality of the Representatives of posterity—not elected by them, and not responsible to them. It establishes a principle that those are to spend who are to pay. This lets loose extravagance, in defiance of justice, from its only natural restraints. Posterity, whom we injure, has no power over us; we are not responsible to them; the order of nature renders the grave an asylum from their vengeance. It destroys one great check of free legislation—that the legislator should feel, in his own property, the burden of the tax he lays, and the contract he makes for society. It avoids that still greater check, that the constituents should feel the burdens their Representatives impose. The people never act but from feelings: so long, therefore, as their deputies contract for and at the expense of posterity, they act in perfect safety. If they have a right to say they will only pay part of the debt, they may diminish that part at pleasure, and finally they may say they will pay no part; and this, which, in theory, would be considered as an argument from hyperbole, is precisely, in practice, the very principle we have adopted with respect to the *deferred stock*; and that not sparingly, as it is almost half our debt. Let any man examine the principles of this novelty of finance, and see where it leads to. Administration, on this ground, would be perfectly safe in assuming the debt of Great Britain. The honor, if I may use the term, of this bold violation of natural law was reserved for us. The extravagance of veteran corruption in old, exhausted nations, has never, that I have heard, hazarded this principle. It appears as a frontispiece to adorn the annals of an infant Republic.

And who will impeach? The people see nothing. The beings whose rights we thus trample on, will not burst into existence until we retire from the scene. Exercising such powers with rapidity, and to the extent already effected—any Administration might become masters of a mass of corruption; and constant, attracting hardly observation, go on to bribe the present with the means of future generations, to do any thing that gold can tempt the weak, the wicked, and the necessitous to do. All Constitutions, all forms of Government, disappear before such a system of finance.

And what is the defence that ingenious and in-

terested sophistry has yet invented? That as posterity are to partake of the benefit, they should pay part of the price. We have gone a little further with our deferred stock: of that we pay nothing, but make them pay the whole; but is it not natural justice that they who are to pay should have some hand in the bargain? Have they not a natural right to judge whether it is a benefit? and whether it is worth the money? Does any man suppose, that a Government that admits such principles will be really a benefit to posterity, or so considered by them?

The case has, indeed, been likened to that of an individual in society, who leaves an estate to an heir, burdened with debts; but it can bear no analogy. Society may say to an individual, by its laws, that we will prevent the intrusion of any other occupant into the property you hold, provided you leave it to your son, or to your creditor. This property the individual had no right to but by law: it is a right which society has secured to him, to the labor of others, which, by nature, he could not pretend to. But different generations of men bear no relation to each other but by the natural law and the terms of the constitution they adopt, and even this last is limited by the former. But in what society upon earth has a contract of an individual ever been upheld, by the municipal tribunals, by which a parent has burdened property with a debt bearing no immediate interest, but to be paid by posterity, or by a contract prohibiting his posterity from paying it off when they are able. I must doubt whether any courts would countenance such principles.

If one generation has a right to sell the produce of the soil for any extent of years, the next generation must quit it. If a nation was to borrow of foreigners to such extent, which is not only possible, but, I believe, was nearly the case in Louis the XIVth's time, they must break or quit.

But no principle has ever been admitted with respect to an individual, much less an American parent, that he has a right to dispose of the labor of his child. The child may relinquish the property, and then he has his hands free as nature made them, to labor for himself; so there is no injury to natural right. But where one generation sells the industry of another, they cannot get free unless they go into voluntary exile; and even then, by some modern doctrine, the contract will bind, let them go where they will, whilst they continue in the social bond; they must disperse, like the Jews, to get rid of it.

The iniquity of the principle will be more clear and striking, when we contemplate that all public revenue or private income is a contribution, mediate or immediate, of the labor of the industrious farmer or mechanic. If the rich pay anything, it is only mediate—a part of what they first received from these classes. They are the drones of society, which, however essential to its well-being, are fed by the bees. Money is a representation of industry—a representation of that residuum of labor which the poor either can or must spare after sustaining life. If they only worked to maintain themselves, money would have no value;

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there could be no public revenue or private income. It follows, then, that any transfers of public resources to any persons, citizens or foreigners, is a transfer of such a portion of the labor of the farmer and mechanic, and their posterity. No money-lender would lend one farthing, to be paid out of the labor of the rich, to all eternity. It is true that the rich are, by such transfers, diminished in their comforts and conveniences, by withdrawing from them, and giving to others, that part of the labor of the industrious and productive classes, which they before enjoyed under contracts and the laws of society; but they are no objects to the money-lender. It is true, that all public burdens fall, in a great measure, on the land, so as to diminish its value and price, as I shall observe; but then, to the men who lead to Government, lands have no value but from the hands that are to work it.

That country is happy and free, in proportion as its political institutions and public economy leaves to the industrious the greater portion of the fruits of their industry. On the contrary, that country is wretched, and its people slaves, whatever they may be called, whose labor and industry, by any mechanism or movement of society, belongs to others. As this evil proceeds, such country must decline; and, when arrived at a certain extent, it must be deserted.

Contemplate a public debt as a mortgage on industry and labor; extend its effects to posterity; exempt ourselves from the burden, and put it wholly on them, on the principle of the deferred stock, and then say that they shall not free themselves by payment, and what does it amount to? That a free man, born now, has a right to the labor of a free man born twenty or thirty years hence; and that, because he will be then dead and gone, and cannot enjoy it, he may sell it now to a third person, and spend the money. Thus truly simplified, is any American prepared to avow the principle?

So much for the right. I now beg leave to remark with respect to the policy.

From reasons stated, it would be readily imagined what experience has sanctioned—that a Funding System, once began in any nation, has always increased—the motives that led them to run in debt act with double force to prevent their getting out. It is a cancer in the body politic that acquires strength from amputation; if any remedy exists in nature, it is yet to be discovered. It is so pleasant to spend at other people's cost, that it arms all the powerful passions against the judgment. Hence the rapid accumulation of public debts throughout Europe—the increase exhibits the appearance of the regular ascent of a mountain, while the reductions appear like gullies in the sides, scarcely discernible, impeding the progress but for a moment. Great Britain has run in debt two hundred and fifty millions sterling in less than a century. Had she originally adopted a plan of rendering the debt irredeemable, and had not seized every favorable rise of credit to lower the interest, by which means she pays now three per cent. for money borrowed at eight, no system

of taxation would have paid the interest and supported Government even at this day; and all this debt must have began in the memory of men now living.

That this Government would have funded, in less than five years from its origin, near fifty millions of dollars, and would now propose to fund near twenty millions more—that we should have ransacked the whole United States to find debts to effect this, invite them from every quarter, and set them to find out, create, and revive debts already sunk, to secure as large a share of the general revenue as possible:—that we should have carried the principle to the extravagant excess we have done, by the invention of deferred stock, which no nation ever ventured to hazard, all in our earliest infancy, must afford sublime prospects of our progress in mature age.

Something unexampled must be done; for, if we adopt the addition now proposed, I believe we shall find ourselves saddled with a greater funded debt than Great Britain herself, comparatively with the relative wealth of the respective nations; and I believe their debts make even the boldest veteran of the projecting tribe quake with terror. It is true, we may not feel it so sensibly in consequence of paying no immediate interest in so great a proportion as the deferred stock; yet it is a debt our children will feel, and some of us.

It will in the aggregate form a mass of seventy millions of dollars. The property of the United States is worth what it will sell for at an ordinary market. Although it cannot be precisely ascertained what the amount would be, we are still furnished with sufficient data to form a tolerable estimate. In the State I have the honor to represent, industry and economy have long given a high relative value to their property. That property was assessed, soon after the war was raised, to an ideal height, to twelve millions their money. From the fall of price, I do not believe that the whole or any proportion of it would now bring, at fair market, the money. From this we must deduct four millions for the negro property, which cannot be included in a relative comparison with other countries, when the laborers, although equally and more valuable, are not considered as property; there would then remain eight millions. Maryland is at least one-twelfth of the United States; she has, indeed, always been rated at a higher proportion; this would fix the property of the United States at two hundred and sixty millions of dollars; the debt, then, is more than one-fourth of the whole value of the property.

The wealth of Great Britain is estimated, by Mr. Young and Mr. Pulteney, and I believe there is no good reason to question their authority, at one thousand millions sterling; they owe two hundred and fifty millions, which is a fourth; their debt, then, is relatively less than ours. Again, from their extensive and lucrative Colonial establishments in the East and West Indies, their annual income is increased so as to yield a net revenue of one hundred millions sterling per annum, so that they really do not owe three years income. What our annual net income is, I have

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no satisfactory document to form any estimate of, but I fear it is but small. The deferred stock may defer the extent of the evil, but it is by a sacrifice of all principle to convenience.

And for what has all this magic building been erected? What were the benefits expected? The States were going on rapidly in extinguishing their debts; there was no complaint that their certificates were too low in 1785 and 1786. The Maryland certificates were nearly as high as they are now, or would be if assumed. Perhaps some sound understandings were led away by vigor of genius, uncorrected by experience, and became bewildered by the visionary dreams of Pinto, Champion, and a variety of calculators. To compare the Secretary's first Report on the Public Debt with the last on the Frontier Defence, furnishes at least the consolation that a candid mind will relinquish error. Had he adhered to those apostles of political truth, Montesquieu and Smith, the first pages of the first Report would have been stricken out.

It has answered, I will venture to assert, but one good effect of those predicted, for the myriads of evils it has entailed. It has enabled many debtors to pay off on better terms. But the number of them are but few; distressed people cannot keep these things; they early get into other hands.

As to its increasing our capital, that ground is now abandoned even by bigotry itself. To mortgage an estate adds nothing to its value—an estate is not doubled by dividing its profits. So much wealth as is borrowed on property, of so much less value is the property to him that holds, pays the interest, and stands charged.

Every atom of funded debt is so much taken from the value of the land in the hand of the landholders, and so much diminished from the value of labor to the laborer. Thus one great blessing of the funded debt predicted, the rise of land, has taken a contrary direction; unless it is round some towns, lands will hardly sell at all. Even in England and the old countries, where there is a variety of other wealth, the public debt has so far lessened the value of land, that an estate that actually produces £90,000 a year, is in fact only estimated at about £63,000, and when sold the year's purchases are estimated at the latter sum.

Men that purchase land are not so thoughtless of posterity as administrators usually are. They purchase in a great measure for children. They consider the incumbrances, and fix their price accordingly. Although we pay no interest on deferred stock, yet it enters deeply into the price of our lands.

There is another consideration that is weighty on this subject. That stock in every country, particularly in one situated as we are, is ever varying in value. Since I have been here, in five weeks, it has altered its value one-third. It cannot serve them as a medium of commerce, for that must be some certain common standard. To measure our commodities by a standard more variable than the commodities themselves, has always been held as absurd. Consequently, I never heard of land, or indeed any thing else, sold for

stock. If the exchange takes place at all, it is first by a sale, and money is the medium. It bears, therefore, such a proportion to the money in circulation, and requires so much, that it pinches all other objects of sale, land, produce, and I believe commerce too. It is an old maxim, and I believe a true one, that if money is to be had, it will be had to game with. Stocks are so uncertain, that traffic in them has ever been considered as a species of gaming. Their value is supported by it. Withdraw the gamblers, and the whole fabric vanishes. They are the leaven that raises the bread of the stockholders. The misfortune is, it is so extensive as to withdraw men from the solid pursuits and moderate profits of useful occupation into a vortex of corruption and vice. This is a complaint from all quarters, and so very general, that I must believe it has too much foundation.

This kind of gaming has ever been considered as highly pernicious to the public morals. If it is so, no benefits (if such exist) could compensate the injury. To a Republic, whose existence depends on a due proportion of disinterested virtue, such an over-dose of poison administered must either destroy the patient, or be thrown off by some violent and latent power of the Constitution.

A love and veneration of equality is the vital principle of free Governments. It dies when the general wealth is thrown into a few hands. The effect of stocks is to transfer the fruits of the labor of the many, who are able to appreciate its value by the difficulty of acquirement, and would convert it into useful improvement, into the hands of the opulent few, who exchange them for foreign luxuries, and consume in an hour the labor of industrious families for years. It prevents a general diffusion of wealth by drawing it to a centre, and saps the foundation of a Republican Government, especially in a large Continent.

In a young country, these effects of individual opulence are particularly hurtful. Such men are not only idle themselves, but they maintain numerous idle dependants and menial servants, whose lives are consumed in ministering to their luxuries, and whose services die the moment they are rendered. Their want is felt in an unimproved, thinly populated country, where there are no supernumerary hands, differently from an old well settled State, where there are more hands than employment. But of all opulence, that of the wealthy stockholder is most fatal to a young country. Where a man's revenue arises from landed property, it is created by productive labor employed on the land, and the necessaries of life are increased as his income increases. As his wealth depends on the value of some particular estate, it becomes his interest to improve it. His private advantage becomes the public prosperity. He also who employs his capital in manufactures, increases thereby the aggregate of necessary productions; and even he who lends money on interest to individuals, generally selects the industrious from motives of safety, and so increases the general welfare.

But wealthy stockholders who have lent their money to Government, are interested in no par-

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ticular spot of land or manufacture. They improve nothing, but take something from all. They are citizens of the world; oftener foreigners than natives; attached to no country. At the first appearance of danger, they sell out, and sink your credit at the moment it becomes essential. As your distresses increase, they fly you. When the impending cloud of misfortune casts its gloom beyond you, these sunshine friends disappear in a moment.

So far as foreigners are proprietors in our funds, the inquiry into the operation is truly interesting to the independence and prosperity of the community. In peace you are tributary, in war you are at their mercy. Great Britain and Holland, allied as they are with their interest in our funds, present an object that must be viewed with concern. How far our pecuniary interest is benefited is also truly consequential. I have been, some time ago, told that they possessed eleven millions of the thirty-one, and from the proportion of purchase made since it was supposed they owned at least one-half. A great deal of money ought to have come in for this. Is this the fact, or have we taken in exchange their gewgaws and luxuries, and eaten up the fat of our land? I fear the fact is so. Had their purchases been made with money, there must have been a demand for money here, and exchange would have fallen. It is an invariable tide-mark, to try the flux and reflux of money. It has almost always been, I believe, considerably above par, except one year when there was a demand for produce; then it fell at once fifteen per cent. below par. Money certainly came then, and I believe one year's good price for produce of more real advantage than any stock that could be devised, or any price that could be wished for it.

But this mode of employing money has reduced produce to nothing. It takes considerable capital to make the expensive and circuitous voyages necessary to vend our produce, and the profits can never be large; for the difference between the price of the necessaries of life, and raw materials in different countries, will not bear high commission or charges of transportation.

Thus I have considered all the boasted benefits of Funding Systems but one, and that is the strengthening of Government. That, to a certain extent, they may have this effect, may be true; but, carried beyond it, they certainly operate in a contrary direction. Let the interest settle chiefly in the hands of foreigners, or let the agricultural interest, which in a young country must always preponderate, become alarmed at its extent, and jealous of a moneyed interest acting in opposition to their wishes and principles, and it may destroy a Government that otherwise might have secured the public happiness; but these are trifling circumstances. The position may be justly reduced to this: A good Government will always be supported without these aids by the good sense of a great majority of its members, and a bad one ought not to be supported by it. Now the mischief is, that these people support bad Government more willingly than good, because they are better paid

for it; they can make better bargains with them. There is a still further consideration that will affect this country powerfully, and is peculiar to it. Our people will not purchase to hold at the prices stocks have risen to. Foreigners have the market to themselves, and they must finally settle with them; this prevents their lending money to us in peace, on the terms we obtained when under the pressure of every calamity, and had no right to expect the establishment of our independency. They purchase into our funds instead of lending; this is the effect of the irredeemable quality of the stock; it deprives us of every benefit of the rise of credit, and gives the market to foreigners. The strange terms on which it is constituted, must keep its value always unsettled, as the redemption is rendered so contingent; this also deprives it of every useful quality as a medium of intercourse, and must keep it an object of barter.

What would be our operation but for this irredeemable quality? Why, as our credit rose at market, we would do as Great Britain has done—form new loans at a lower interest, and pay off the debt at the higher interest; this is done without a sinking fund on hand, and shows the folly of those that say we cannot redeem now as fast as we have the liberty. In Great Britain, soon after the establishment of their Funding System, they effected new loans, and in 1717 reduced the eight and six per cents. to five; and in 1727, they reduced the five to four; and from 1750 to 1757, they reduced the four to three; which was equal to the sinking half their debt: and from the first creating of their three, to 1757, they averaged at market, par, that is, were equal to gold and silver. By these operations, there was no injury to the creditor in reality, for he could, at the end, sell the £100 that bore three per cent. for as much money as he lent Government at eight. At this moment, if it were not for the irredeemable quality, we could, if our credit is worth four per cent. as we are told, make an operation that would be equal to the sinking of our debt nearly one-half in value, on the same plan that Great Britain has pursued so successfully. And the public creditors are really not benefited by this irredeemable quality; for, although it raises the price of sixes with foreigners, yet it keeps down that of threes; which, by a reduction such as I mention, and the liberation of our commerce from high duties, must soon be on equal terms to what they were in Great Britain in the infancy of their Funding System, that is, near par.

In fine, the debt is to be deplored, but it must be paid; let as much of it be paid, and as fast, as possible; these are the true principles of public credit. Let us reprobate the idea of increasing or continuing it when it can be avoided, upon the principles of any political enterprise. It seems strange to be called upon to fund it now, and provide the funds hereafter. It looks too much like taking an undue advantage of a future Legislature, and has a suspicious, and low, lurking aspect, when we know that we are really not the true Representatives of the people. Are we afraid that a real representation of the people would act otherwise? If we are, we ought to hesitate. All the virtue of this

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Continent is certainly not confined to this session; we may trust that any succeeding Representative will be as just and wise as ourselves. As they are to find the means of paying, let them agree on the terms of the contract.

Mr. SMITH, of New Hampshire, said: The ill policy of any assumption of the State debts has been asserted, and, in my opinion, very satisfactorily proved, in the discussion which this subject has already undergone.

Taking it for granted, for the present, that an assumption, in some form, must take place, I rise to offer my sentiments in favor of the amendment proposed by the gentleman from Maryland. The measure, as contemplated by the Secretary of the Treasury, is, as I have observed, impolitic, as it will greatly increase the public burden, already too great, for the resources of which the United States, in this infant state of their Government, can avail themselves; but it is also unequal, and as it respects several of the States, very unjust, as it saddles them with the debts of other States. Because they have exerted themselves successfully in effecting the extinguishment of the debts which they contracted in the common defence, they are now to be loaded with the debts of those States which have made no such exertions.

If any gentleman will take the trouble of examining the first assumption, and will add to it what is proposed now to be assumed, he will find that the sums so assumed from the respective States are not such as would have resulted from a due apportionment of the whole sum assumed, among the several States in the Union, according to their respective numbers.

To vindicate an assumption so unequal and disproportionate, gentlemen must prove to us that the payments which the several States have actually made towards the general defence, have been in exact proportion to their ability, that is, according to their numbers. They must satisfy us that South Carolina, though she had, previous to any assumption, six millions of dollars of State debt undischarged, had nevertheless discharged as great a portion of debt incurred in the war as any other State in the Union; and that the reason why she had then so great a State debt pressing heavy upon her, was not because she had not exerted herself according to her utmost ability to discharge that debt, but because she had contracted a debt much beyond her just proportion; that is, in fact, that, upon a final settlement of accounts, she would have a balance due equal to the sum which constitutes the difference between her just proportion of the whole sum assumed, and the sum actually assumed; which is, in this case, more than four millions of dollars.

The same reasoning would apply to the other States who have sums assumed beyond their just proportion. Upon these principles, too, they must prove to us that New Hampshire, upon a final settlement of accounts, would be found in debt to the Union more than seven hundred thousand dollars; that is, that she is the greatest delinquent in the Union. I ask gentlemen if they have any documents to prove this.

It would be easy to satisfy an inhabitant of Massachusetts or South Carolina that they were great creditors, and that New Hampshire is a very great debtor. But it will require something more than the confident assertions of gentlemen to convince the State I represent that this is really the case; they believe, and they will continue in this well-founded belief, till some evidence appears to the contrary, that they at least contributed their just proportion towards the general defence. Some States, no doubt, from the manner in which they were peculiarly circumstanced, may have done more than in proportion to New Hampshire, while I am persuaded that others have done less. The United States have uniformly proceeded upon the idea that the States who have done more than their proportion should have credit in a general settlement, while those who have done less, should be compelled to pay the balances due from them. I have no doubt but that some of the States, who now have debts unassumed, will be found entitled to balances, but I deny that New Hampshire can justly be called upon for the payment of them.

Congress have uniformly taken it for granted that the inequalities which may have existed in the exertions of the several States, can only be remedied by a settlement of all accounts between the United States and the several States. At great expense, they have established Boards of Commissioners, with very ample powers; they have sent commissioners into the several States, to receive and adjust their claims. The States have been at very great expense in stating their accounts, and procuring the necessary vouchers to support them. But gentlemen have now made a discovery, which, if it had been made in season, would have saved all this trouble and expense; they have discovered that the several States in the Union have laid equal burdens on their citizens to carry on the war and to discharge the debt incurred in the common defence, and that equal justice required at the commencement of this new Government, in 1789, that the United States should step in between the States and their creditors, and ease them of their debts. But the gentlemen who have made this discovery are too much interested to expect full credit to their sentiments on this head.

It happens, somewhat unfortunately for this hypothesis, that those who maintain it are those who are to be gainers by it. It may well be expected that less evidence will satisfy South Carolina that she is a creditor State, than New Hampshire that she is a debtor; and more efficacious logic must be used to induce the latter to pay seven or eight hundred thousand dollars of the debt of the former, than to persuade the former to put that burden off her own shoulders and lay it upon the latter. Let not gentlemen imagine that New Hampshire, though she is a small State and of no great importance in the Union, patiently submitted to the injustice of the former assumption. They remonstrated: that remonstrance is now on your table. Why did they complain? Because, in that assumption, they were considered as the greatest debtor of any State in the Union; and because they were, as a constituent part of the Union,

called upon to pay seven or eight hundred thousand dollars of the debt of South Carolina, Massachusetts, or some other State. Why should it be taken for granted, they ask, that we are a debtor? What documents are gentlemen possessed of that justify such a supposition? Let them be produced. If the opinion of gentlemen who have spoken within these walls and without, is to be relied upon, there is scarce a State in the Union but that has done far more than her proportion; so that there must be a great balance due to each State. All this tends to show, that it is unreasonable to expect that any one State will patiently submit to a measure which takes that for granted which they do not believe, and which it is never their interest to admit. There never was, in my opinion, but one principle which could justify any assumption previous to a final settlement, and that was, giving relief to States who had unquestionably contracted a debt much beyond their just proportion, and who were groaning beneath the burden of that debt. Where it could be known with tolerable certainty that a balance would be finally due to such a State, much might be said in favor of anticipating the payment of it. But was this the principle which governed? Was this principle at all pursued? Were \$2,200,000 assumed from Pennsylvania, because she was or would be a creditor State, or because she was heavily burdened with debt? Will gentlemen undertake to say that any principle at all was adhered to in the assumption? Was it not a mere bargain and sale between certain States who were interested, that an assumption should take place; and who, provided they could be only exonerated from their own debt, would not stick at any means to accomplish so desirable a thing? Was it not at the expense of justice, and at the expense of certain States, particularly at the expense of the State I represent? If the States who had the largest portion of debt to struggle with, at the adoption of the present Constitution, were to be relieved, such relief might have been afforded without any violation of the principles of justice and equality. The United States might have afforded a temporary relief, till the accounts were settled; or, if it was thought best to assume the balances due from those States to their creditors, a proportionate sum—which is what I now advocate—should have been assumed from every other State. The United States could never advance a sum to any one State without advancing a proportionate one to every other State, without at the same time declaring that the one had better pretensions to such a grant than the other. And what can authorize such a declaration? I know of no data on which to found it. A gentleman from Massachusetts objects to this; he says this would greatly increase the public debt, and he appears now to be a great enemy to such an increase. When this argument was urged against any assumption, it was treated with great contempt. It seems, however, that gentlemen have no objection to increasing the public debt, as far as the debts of their respective States will do it. They do not wish to go further. They are against accumulating the public debt, if they are

not to have the whole benefit of it. If they are in favor of an assumption, they should be in favor of an equal one. Some gentlemen have taken much pains to convince us that the citizens of their States are zealous for the measure. I am not disposed to doubt it; if they can have their burdens taken from their own shoulders, and placed upon their neighbors', it is not to be expected that they should complain. But because the winners are pleased, it by no means follows that the losers are pleased too. But we are told that the inequalities of both assumptions will be remedied by the settlement. Who, is it expected, will be deceived by this State device? Is there any one so ignorant? What is it but saying, submit to injustice now, and we will redress it hereafter. Only be so kind as to acknowledge now that you are a debtor State, and we will be much obliged to you; and if it should turn out, on settlement of accounts, that you have been paying our debts for us, we will then repay you. But do not these same persons tell us, that the accounts never will be settled; or, if they are, that balances never will be paid or received. I believe it. I consider this assumption as signing the death-warrant of the settlement of accounts. Therefore, let the assumption be equal. If any take place at this time, I hope it will be a just and equal one; nay, more, that it will redress the inequalities of the former one; and that the States who have laid heavy burdens on their citizens, will not be punished for their laudable zeal in extinguishing their debts, but that they will at least fare as well as those who have made no such exertions. In one word, I am against any assumption; but if any assumption obtain, as it cannot be known which State is debtor or which creditor, let the sums assumed from each be equal, that is, according to their respective numbers.

Mr. BALDWIN said, he was not in the situation just complained of, the Representative of a State, the whole of whose debt had been before assumed, and therefore interested in opposing any further assumption. He was from a State, the half of whose debt was not before assumed, and they were not consoled by observing, that four-fifths was assumed for their next neighbor, neither was it a solitary instance of treatment, such as had not been expected from that House. He did not indulge the habit of complaining; but he felt it to be his duty to remember them, and the people from which he came could not easily forget them. He was however of opinion that these evils would not be corrected by a general assumption, on principles so un governable as were contained in the proposition now under consideration, and that it would administer injury rather than relief.

Each State had been made debtor for the sum assumed, and as the General Board of Commissioners for settling all accounts between the United States and individual States, had reported that the whole would be finished in little more than a year from this time, he was of opinion it would give much more effectual relief to the States which had been injured in the apportionment of the former assumption, and upon principles much less injurious than the general and promiscuous as-

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sumption, which would be the effect of the present proposition.

As the subject was not now before the House, his opinion upon it in general had been often expressed. Events had much confirmed his former opinions on the subject, and he was more than ever convinced of its pernicious effects. This Government, said he, is not calculated to bear a heavy burden, it is put to its worst use when it is put to that use, it shows the Government to the greatest disadvantage. The general national powers, the want of which was so much complained of before the institution of it, appear, from the experiment, to be more easy and manageable than was expected. When considered as a great society, instituted by Sovereignties to cut off the causes of war among themselves, and to deliberate on general national concerns which could be not otherwise provided for—it is an experiment honorable to human nature, and is as useful an extent of the social principle as the institution of society over individuals for the supply of their wants, and to prevent individual slaughter and carnage. Its friends have had great reason to promise themselves success to the experiment, if there can be a due moderation in administering it, in confining it to these objects for which it was alone intended. But, if any one supposes that this Government may be made to answer the purposes, and be put to the same uses as common Governments, and be administered upon the same principles, it gives reason to believe that he is either wicked in his intentions, or that his mind has never comprehended the subject. General questions of boundary, of war, and peace, regulations of commerce, a moderate and general impost for the immediate support of the Government, might be decided in a manner that would reflect honor on the Government, and to the satisfaction of the people. But accumulate an enormous public debt, and let this Government be called to the odious task of applying to the individual citizens for a heavy tax, and you will then see the structure of the Government to the greatest possible disadvantage. It is better suited to any thing than that. It ought to be directed to such a use with the most extreme and cautious reluctance. Probably it will be found, in the nature of things, impossible that it should be well adjusted to such use. To raise a heavy tax, there ought to be a great similarity in the circumstances of the persons on whom it is to operate. If the burden is not equal, it must be in some parts cruelly oppressive. The first object, in attempting a heavy tax is, to be sure that it will be equal; otherwise, some will be crowded to their destruction, while others are exulting in prosperity, and feel no burden at all. There is such a dissimilarity in the interests and circumstances of the extensive country over which this Government is to operate, that it will be scarcely possible to adjust heavy burdens to any tolerable equality. The whole current of experience in society forbids the expectation. Even some of the States had found their limits too large to preserve the necessary equality in their own revenue systems. And to suppose that this Government should be able to bear bur-

dens in the same proportion to its size, without intolerable oppression, is founded neither in good sense nor experience.

This view of the subject supposes the most honest disposition in endeavoring to make the burdens as equal as possible. But an important view of it, which ought to be taken on this occasion, is, that there is much less security for an honesty of disposition in laying the burdens. The circumstances of the persons who make the laws, and of those on whom they operate, ought to be closely connected, and thoroughly in the view of each other. The moment they get so far dissevered as not to be known and felt by each other, security against oppression is gone. In this Government there can be but a mere shadow of representation. In many instances, not more than one for a hundred miles square. They for a great part of the year are entirely detached from their constituents, so that they who are acquainted with their circumstances at home, cannot be intimately acquainted with their conduct, so as to judge of the motives by which they are governed. And they who are witnesses of their conduct in the Government, do not know their circumstances at home; so that men may feel themselves at greater liberty to indulge improper passions, than they would if both their circumstances and their conduct were under the immediate notice of their constituents, and thus the motives by which they were governed on every occasion could be easily explained. On the general national subjects, which are their more immediate province, there would be less danger from this cause, as they would present fewer objects for individual passions. But, in the collection and management of vast revenues and their necessary concomitants, there are the strongest lures to improper conduct. The love of power and property are two fierce passions of nature, which if they can be indulged without any loss of reputation, or even without the fear of detection, will be sure, in all countries, to make havoc of the happiness and rights of man. He did not pretend that it was possible altogether to avoid this source of danger. The Government cannot be carried on without resources; they had been provided to a pretty large extent on its first commencement, by general regulations, which appeared to have been tolerably satisfactory to the community.

They who agreed with him in the general observations which he had made, must allow that they were substantial reasons against the proposition on the table, and that those debts ought to be left upon the States, rather than be assumed by the present Government.

Mr. B. said, the general assumption, not only reconciled very ill to the nature of the Government, as he had shown, but it also reconciled as illy to the circumstances of the country. It was, in its very nature, designed to draw off business and property from the different States, and unite them in one great vortex at the centre. This is an evil which appears to have been most cautiously guarded against in every part of the Constitution. How many checks and guards show themselves in every

part, to keep up the equality of States, to prevent the combination of strong interests in giving special advantages, and that there should be no preference for the increase of the ports of one State over those of another. No one can look over the principles of the Union without seeing this to be the great and striking feature of the whole States possessing equal powers, feeling and being strongly attached to their own advantages, and, like individuals in forming a society, giving them up with reluctance, and only such as appeared indispensable to the protection of the rest.

The present object seems to be to construct a huge, gigantic organization at the centre, which shall collect all the vital fluids, to strengthen and enlarge those parts, without any means of propelling a circulation in return to keep up the principles of life in the extremes of the body. The very figure is monstrous. A State centre and a State organization, which it is the avowed intention of the present system to reduce, and as far as possible to do away, is necessary to preserve the principles of life in them. The collection of a revenue in the States, and the circulation of it among their people, is not only necessary to their health, but it is necessary to their existence; and they who avow their opposition to it are seeking their destruction. The instance which had been mentioned of a distant State paying more than half a million of dollars in a year, which had been sent on to the General Treasury, without scarcely any call on the Government to receive any part of it in return, struck him very forcibly, and the more forcibly, as the same impression had been made upon him from his own State. One of their ports, he said, would probably this year pay into the Treasury forty thousand dollars; and, except the accidental circumstance of there being at this time some companies of the Federal troops in that State, who might receive their pay there, he knew no cause which could have prevented the actual sending of almost the whole of that sum in specie to this place; which, if it were to take place every year, and increased in the manner as is now proposed, would soon drain them of all the medium by which business is to be transacted.

The circulating medium in society has been aptly styled the oil of the machine which lubricates all its motions. Adopt a system which shall entirely prevent the supply of it, and the motions cannot be easy; when the solid parts are left to grind against each other, it is not to be expected that the machine should long remain cool.

Mr. B. proceeded to take a view of the subject on the grounds which the gentlemen in favor of the proposition had themselves taken, that the general assumption must intend either taking up all the debts of the States, whatever may have been the cause for which they were contracted, or there must be some process to distinguish those that were contracted for the purpose of carrying on the war.

He could not suppose that any person could be serious in maintaining that all the debts of the States, contracted for the support of their Governors, or State Legislatures, or for any other

State purposes, ought to be assumed by the United States. It had been the universal principle, from the first contracting of the debts, that a distinction ought to be made between what was contracted for the purpose of carrying on the war and what was not. He then reviewed the systems of the old Congress on that subject, and showed how they had at the time assumed the claims of the States as the expenses were incurred, and passed particular resolutions for their liquidation, putting them on interest upon the general funds, which was then called funding them.

Congress was continually extending their assumption by particular resolutions, founded on the nature of each particular case, and, by the agency of Commissioners invested with chancery powers, to enter most summarily into all the equitable considerations attending the particular applications. For several years after the close of the war, till they supposed they had assumed nearly all that ought to be assumed, some few cases they had left undetermined, as the Penobscot expedition, &c. That there might not be left the least color for any complaint on the part of the States that Congress was reluctant in assuming any debts which had been contracted for carrying on the war, in the year 1786 they appointed a General Board of Commissioners, with ample powers to assume all debts which might be still remaining, which, upon the principles of equity and conscience, they might think ought to be assumed. It will be seen by the Journal that this passed unanimously, and appeared to give universal satisfaction, carrying the principle as far as it ought to be carried. The whole of this process has been founded on the universal impression that a distinction ought to be made between the debts incurred for the purposes of carrying on the war and debts contracted merely for State purposes.

There has been immense labor for these ten or twelve years past, at an expense not much short of a million of dollars, in liquidating and distinguishing the proper debt of the United States. The House had been officially informed that the business was now near a close, and that the whole would be finished in a short time. Can any one, he asked, after all this, be hardy enough to intend that the United States should be plunged under the promiscuous debts of the States, regardless of all distinction?

He was sensible that the proposition under debate professed to regard the principle, and contained a proviso, that no State certificates should be assumed which on the face of them appeared to have been issued for any other purpose than carrying on the war. But it was in vain that it contained the principle, if it was accompanied with no mode of carrying it into effect. From that cause, he supposed, there was some reason to suspect the sincerity of the intention. He believed there could not be devised a mode for carrying the principle into effect more summary and complete than that which was now in operation, and so near its close, under the General Board of Commissioners. They had power and evidence to distinguish the

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proper debts; they would strike the balance in favor of the States who were actually in advance, and then no one could object to assuming it.

He was thus particular on this part, because some gentlemen had taken the liberty to place it, in some respects, in an unfair view. The former assumption had not been contended for as necessary to the final attainment of justice. There was no doubt of a complete attainment of justice on striking the balance of the accounts under the system which has been described. But some of the States complained of the present pressure of their enormous debts, and, in confidence of a large balance appearing in their favor, begged a part payment in advance, to be received on account, for their immediate relief. On these grounds only had the former assumption taken place. It was presumed that enough was left in arrears to secure an adherence to an impartial settlement, which might correct any mistakes in such a random assumption. In this view the argument which produced the former assumption loses all its force on the present occasion. It will be difficult to conceive that the little fraction of debt left on the States is a burden so much more enormous than the whole war that it cannot be supported a few months till there is a settlement of the accounts. If the assumption should, in any instance, be made to exceed the amount of the claims, it will be productive of great discontent and embarrassment; when it approaches near the balance of the claim it is foregoing the security for the final settlement of accounts. As this general settlement of the accounts had been continually regarded during the whole of the war, as the minds of the citizens had been reconciled to quotas and requisitions made on very slight information, merely by being led to expect justice from that event, and as it was the basis on which alone our proceedings since could be explained, he thought there should be some care not to make it the interest of any to wish that it should be relinquished.

Mr. FINDLEY said, during the progress of the discussion in support of the resolution, it has been presumed by all the gentlemen on that side of the question, that the irredeemable principle ingrafted on the Funding System, was an equivalent for deferring one-third of the debt for ten years. In short that it was equal to the original contract; consequently, that the Funding System, including the irredeemable quality, was a full discharge of the original obligations, and that the amendment now under debate, if adopted, would be a breach of the original contract, and would operate unjustly towards the public creditors.

In all transactions in public life wherein I have been engaged, and the public creditors concerned, I have steadily attended to their honest claims, and supported their interests, agreeably to the principles of the Government. In this I have acted with the same industry and zeal that I have exercised in contributing to accomplish the Revolution, from which these claims originated. I have been attentive to the present Funding System, in its progress to existence, and in its opera-

tion and effects; and I did, and still do, believe that the irredeemable principle was no equivalent for the departure from the original contract. I am also persuaded, that it is inconsistent with the original contract, and contrary to the principles of the Constitution, and unsuitable to our political circumstances. With respect to the first, I know of no law existing in any of the States, whereby a debt which the creditor can only recover at a distant period, and in very small instalments, is rendered more valuable than a right to recover it on demand, and all at one time. Disposing of property, to be paid for in instalments, and at a distant period, is common in this country; but in that case, the privilege is supposed to be enjoyed by the debtor, for which he always pays a higher price. To presume that putting a man's just claims to prompt payment out of his own power, except in such small portions and distant periods as he cannot reasonably calculate upon receiving in the course of one generation, nor to such an amount at any one time as can be applied to any valuable purchase, is presuming contrary to reason, to the laws and usages of the United States.

But it may be answered, that the public creditors, as a party in the contract, had a right to agree to such terms, if they pleased; and that they did agree to them, is, by their acceptance in subscribing to the loan, testified. It is not pretended that the terms were proposed by the public creditors; so far from this, it is well known that many of them remonstrated against the terms of the Funding System, and gave an ample testimony against the irredeemable quality being an equivalent for deferring; or, in other words, lowering the interest of the debt.

Their acceptance of the terms is no proof of their voluntary approbation; it was not optional to them on impartial ground. Provision was made for the interest for fifteen years, and the obligation made perpetual in favor of those who subscribed; and, if I am not mistaken, the provision was afterwards made perpetual; and what was the alternative in favor of those who did not accept? Why, they had a provision of four per cent. made for one year only, without any obligation for continuing that provision, and without interest upon their interest, as those who subscribe have; and so recent and striking an instance before them of disregard to the original obligation, both in matter and form, as is witnessed in the Funding law, was a discouraging circumstance to those who would have otherwise preferred resting their claim upon that ground. In this situation, interest and necessity dictated the propriety of accepting the terms of the Funding System, not as an equivalent for their claims, but as the best they could get. That the original holders accepted with reluctance, and remonstrated, we know: that many of that description, as well as foreigners, did not accept at all, is evident from the question before us. The parties, therefore, were too unequal for a contest, and the terms were too unequal, with respect to security, to render the acceptance a proof of approbation. The truth is, that the irredeemable quality appears

never to have been intended as a real or solid equivalent. It was wholly calculated to be a subject of speculation, which might draw the attention of persons in those countries where, from the superabundance of specie capital, enormous national debts, and long habits in stock-jobbing speculation is become a science. To promote this, the unnatural and novel distinction of parts, which had no foundation in the contract, and a variety and necessary fluctuation in the comparative value was introduced. This distinction and variety was well adapted to be an inducement to the meritorious public creditors, especially such of them as resided in the country, to part with their certificates.

The two-thirds of two-thirds, the six per cents., the three per cents., deferred debt, &c., all in one certificate, which the farmer received, originally with an obligation simply of six per cent. upon the principal, until it was paid, is so much beyond his comprehension, that he prefers parting with it to keeping it on terms which he does not understand, and which he conceives may, with equal ease, be changed again by the same authority into other and more unintelligible varieties. To this end, it corresponded to admiration. Few, indeed, are the certificates now in the hands of original holders of the agricultural class.

One leading advantage which the promoters of the Funding System suggested that would arise from its operation, was a circulation of the revenues to the more remote parts of the country, in payment of interest, which had been previously drawn into the Treasury by duties, and had the system been adapted to the genius and circumstances of the people of the United States, this no doubt would have been its effect, and in this way a beneficial balance of circulating specie would have been supported. It was also suggested, that the certificates when appreciated, would assume the form and use of a circulating medium, and in this way be as a substitute for money, promote the purchasing of land, improving the country, and give a general spring to industry; and this salutary effect a Funding System, calculated and guarded suitably for that purpose, might also have had. But these important consequences have been completely defeated by the irredeemability and other peculiarities of the Funding System; that the Funding System was calculated to be a field for speculation, was the general opinion of people of reflection when it was originated. And what has been the effects of its operation? Why, it has introduced the most extravagant combinations, promoted fictitious credits, and by giving a facility to stock-jobbing, in all its varied forms, has become an enormous and ruinous snare. It has occasioned many of the most enterprising characters to desert the useful paths of industry; dissipation, gambling, extravagant projects and extravagant modes of life, are promoted to such a degree as to be ruinous to our morals and degrading to our national character. Wealth hastily gotten, without industry, has changed the grades of society, and erected a new and formidable interest in the Commonwealth. One week we behold fortunes rising

like exhalations, and the price of stocks blown up above all reasonable calculation; but perhaps before the next week arrives, we find the stocks fallen a fourth or a fifth, and disappointment, bankruptcy, and stagnation of the most useful branches of commerce, spreading consternation far and wide, and the tales of villany and consequent distress swell up the news of the day. Though I have not changed my opinion of the Funding System, since it made its appearance, yet I confess its delusory and ensnaring progress has been more rapid, the bubbles have sprung up and burst in greater variety and in quicker succession than I expected. General confidence and contentment among the citizens has not been among the effects produced by the irredeemability, and the complex and mysterious forms of the Funding System.

A principal advantage the Funding System was to produce, was, the lowering the rate of interest for money; indeed this was the principle upon which it was supposed to be calculated; it was to reduce the rate of interest to five or even four per cent. by its beneficial operation as a circulating medium, &c. I ask, sir, has it had this effect? No, it has not, but the reverse. I acknowledge certificates have been purchased at a rate that would not afford five per cent. upon the price given for them, and that even after they were above par; but at the same time the rate of negotiable interest rose to an usurious height. No such instance of usury was heard of in this country at any former period, (except in the times of general distress and bankruptcy occasioned by old debts, losses in the course of the war, and an over-importation of goods at the conclusion of the war) and this has not been incidental, but the native effect of the system. Negotiable interest has risen too high for the solid purposes of commerce, and capital, and attention have been withdrawn from it by the baubles of the times; and by the prevailing fluctuations in the funds and private credit, the regular circulation of credit and cash suited to commercial purposes are obstructed. However, I do not deny but that importations are to as great amount as ever. I believe the amount is too great for the public good, but this is not the result of the quantity, or high price of our exports, but it is the return for our certificates transferred to foreigners, to whom they are in the more esteem because of that irredeemable quality to which I object. In consequence of this, we become tributaries to foreigners, over whom we have no control, and from whose wealth we can derive no advantage. This evil has already prevailed to a great degree, and by the present system can neither be remedied nor prevented.

I have said that the Funding System is inconsistent with the original contract. This is evident from all its complex and mysterious division of parts and difference of value, which had no foundation in the original obligation. Many instances of this might be adduced, but I will only select one. The act of Congress provided for the redemption of the old Continental bills of credit at forty for one; the Funding System provides for it at the rate of one dollar for the hundred, and that dollar subject to its divisions of parts and

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value. Is not this a total departure from the contract, both in matter and form? It is vain to answer, that the Congress money had been considered as lost, and had depreciated much lower than one for forty. The sanction of an act of Congress, supported by the obligation of the Constitution, fixed it at forty for one; and the same power that could alter it to one hundred for one, could annihilate that or any original claim altogether. I am not here treating about the equity of the claims, but about the Legislative authority of Congress to change contracts which they were bound to fulfil, both by the acts of the old Congress and an express clause of the Constitution.

In preparing and enacting the Funding law, Congress seems to have laid aside the character of the Legislature, and assumed that of the Judge; whereas, their most conspicuous character in transacting that business ought to have been that of a party prevailing for the payment of their debts: but, in acting the part of a Judge, they have taken it upon an original plan. They have changed the value and the principles of the claim by a mere act of their will, without being guided by reasons taken from the original obligations; but have rather been influenced by the contemplation of the mighty political machine they were about to erect, viz: an unextinguishable national debt and consolidated moneyed interest.

I have also said, that the irredeemable quality of the Funding System is contrary to the Constitution. Congress have the power of applying the public resources towards paying the debts of the Union. Every successive Congress is equally vested with that power. It is derived immediately from the Constitution to every Congress, and not derived through the laws of one Congress to another; but, in the Funding System, the Congress who enacted it have decreed that no succeeding Congress shall pay the existing debts of the United States, except in certain small and distinct instalments, which, perhaps, would occupy two, or a part of three, generations to complete. Certainly the present Congress cannot say unto the next, or to any future Congress, that they shall not do what the Constitution expressly says they have power to do; and yet, if we reject the amendment and adopt the resolution, we are in fact saying so. If we do so, we are holding out a further delusion to the citizens. Snares of this kind have proceeded far enough already. A future Congress certainly will disregard this restraint, and repeal the irredeemable quality of the Funding System.

The creditors who hold those claims for which we are about to provide, have an unquestionable right to six per cent. interest upon the original claim—not to interest upon the interest—but to a provision for extinguishing the arrears of interest. All the different laws which I know of contemplate a delay of payment of interest and expressly guard against paying compound interest. The party to whom interest is due may claim and recover it at short periods, but if it is not claimed, or cannot be got, any supposed delay does not enable the creditor to claim interest thereon. This

proves that legal interest is supposed in the law to be a sufficient compensation for the delay of payment.

My first design was to have moved to amend the resolution so as to provide six per cent. for the principal, according to contract, and to have proposed some provision for paying the arrears of interest; but, upon reflection, I find the business so far put out of its natural course already, that I have relinquished that design. The progress of innovation has been so great that it is difficult to tread back the ground; therefore, I will vote for the amendment.

One difficulty which influenced me to give up my first design was, that not only the arrears of interest which arose since the first of January, 1788, is funded at three per cent., to those who subscribed to the loan, but also the indents of interest issued previous to that period, under the Confederation, which had been disposed of and provided for by requisitions as fully as the power or laws of that Government permitted. Many, indeed I believe most of the States, had made adequate provision for them to their respective citizens; and those who did not, were under the same obligations to do it that they had been to do any other part of Federal duty in the course of the Revolution. Even these have been received again and funded at three per cent. The indents, and about three years' interest, which became due since the first of January, 1788, making, in all above ten millions, have been funded. Above seven millions of these, if it was not a debt created by the Funding System, received a resurrection by it. This will explain the charge of creating a new debt, asserted by one of the gentlemen, and denied by another. Here was above seven millions received, which ought to have been considered as redeemed, unless, perhaps, in a few instances, to such as were not citizens of any State, and above three millions funded at three per cent., for the doing of which there existed no obligation. If it be answered, that equity required it, I will allege that, if the Congress, acting on the general claims of equity which originated in the course of the Revolution, a much greater amount must yet be provided for. I never knew a public creditor who expected interest upon his interest, or that expected the indent debt that had been disposed of to be received, or otherwise provided for than by a final settlement between the respective States and the United States. Why should they expect Congress to make provision where an actual obligation did not exist, when, in the same act, they were destroying ten years' interest of one-third of the principal, where the most express obligation did exist, and where the claim was also founded in the strictest equity? This increase of the debt, and funding at three per cent., appears not to have been calculated for the profit, nor at the request of the public creditor; for what they gain in the one hand they lose in the other. Nor does it operate as a gain to the United States. If we may judge of its object by its effects, we may observe that, by receiving the indents redeemed by the States, an increase of revenue becomes ne-

cessary, and the States become like pensioners to Congress for the annual amount they are to receive. Thus the revenue must be the greater in the hands of those who conduct it, and the individual States must be dependent on the Treasury of the United States for the means of their support. Foreigners may make reprisals if they are not paid; nor does the support of their Government depend upon it. But this is not the case with dependent States. We know several of the States are in this way entitled to a greater annuity than is necessary for the support of their Governments, and the people are in the habit of living wholly free of State taxes; while, to accomplish this strange state of things, the debt of the Union is increased, obnoxious revenues are rendered necessary, ministerial influence, speculation, and consequent depravity, are advanced.

With respect to the dangerous effects which the irredeemable principle and unnecessary increase of funded capital will have upon the genius of our Government, and the interests of posterity, this subject has been investigated with too much ability by the gentlemen who were up before me in support of the amendment, that I will not now detain the Committee with any thoughts upon it, but will conclude with observing, that, having proved that the irredeemable principle, which the amendment is designed to correct, is not an equivalent for the departure from the terms of the contract, and that, being contrary to the Constitution, cannot be obligatory on any future Congress, but is delusory in its nature, and calculated to promote speculation and a transfer of the debt to foreigners; and that the increase of funded debt created in the Funding System was not necessary from the original obligation, nor profitable to the public creditors, but calculated for dangerous speculating and political purposes. I will sit down, with expressing a wish that, by adopting the amendment, we will prevent the worst effects of the Funding System from being further extended.

The Committee now rose, and reported progress.

SATURDAY, March 31.

Mr. LIVERMORE, from the committee appointed, presented a bill in addition to an act, entitled "An act to provide for the Territory Northwest of the River Ohio;" which was received, read twice, and committed.

Mr. VINING, from the committee appointed, presented a bill to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school, during the late war; which was received, read twice, and committed.

On a motion made and seconded that the House do come to the following resolution:

"Whereas, by several documents and papers communicated in pursuance of a resolve of the Legislature of Maryland, it appears that Nicholas Ruxton Moore received, from the Treasurer of that State, on the 24th day of November last, the sum of two hundred and

forty-two pounds eight shillings and three pence, current money of the said State, the amount of a judgment rendered against him in the General Court of the same State, on account of horses purchased for the use of the United States, during the late war; and that the claim of the said State, by the payment aforesaid, hath not been credited in the accounts of the same with the United States:

"Resolved, That the proper officers of the Treasury be authorized, and they are hereby directed, to adjust and settle the said claim with the Agent of the State aforesaid, any limitation in the acts of Congress to the contrary notwithstanding."

Ordered, That the said motion be referred to Mr. SNEY, Mr. GERRY, and Mr. SUMPTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A representation and memorial of the Legislature of the Commonwealth of Massachusetts was presented to the House and read, praying that the General Government will assume the balance of the debt of the said State. Referred to the Committee of the Whole House, on the Report of the Secretary of the Treasury on the subject of the Public Debt.

THE PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the subject of the Public Debt.

Mr. GERRY offered a few remarks on the subject, and urged the justice and sound policy of completing a business which had, for reasons well known, been left in an unfinished state, but which equity and precedent now called on Congress to finish.

Mr. CLARK was opposed to the proposition.

Mr. HARTLEY.—After so long a discussion, my attempting to take up any great length of time would not be excusable; but I consider it my duty to say a word or two in answer to some expressions and observations used against the Constitution and operation of this Government; and give a few reasons why I shall now vote for the resolution under consideration. It will not be necessary to take into view the principles upon which the Constitution was framed; they were fully examined in the General Convention, as well as in the several State Conventions, and stood the test of the strictest scrutiny. They are favorable to liberty and justice. As to the operation of the Government, we may best understand it by contrasting the state of America at the adoption of the Constitution, with that of the present day. At the former period, our credit as United States of America was at a low ebb. Few of the individuals of foreign countries would give credit to the individuals of this. The capital of Europe would not be trusted in America; they doubted our justice as well as our Government; there was scarcely any credit given to individuals here; a universal distrust prevailed. Agriculture languished; the farmer dissident, he had lost his confidence; the great spur to industry was wanting.

No ships on our stocks, few vessels in our harbors, commerce decayed; the vital spirit lost. I might say more; but I will turn from a disagreeable scene to one more pleasing.

What is our present state? The credit of our Government is as good as that of any country. Individuals of all nations will trust the individuals of America. Individuals here (until a late unfortunate bubble or abuse of credit, arising from bad men or bad management, and which will possibly only do hurt for the moment) gave full credit to each other as far as their capital extended, as well in the city as in the country, and confidence prevailed. Agriculture, where the people are industrious and apply their attention to the raising of those articles which are most in demand, is in the highest improvement ever known here before. I can speak with confidence of the State I live in. The idle and indolent can expect no great success in an art which depends upon the steady hand of industry. There are ships on the stocks in every part where there are ship-builders and materials. The tonnage list will evidence the mighty increase of the American shipping; it has far exceeded the most sanguine expectation. Several of the first merchants state your commerce in a most respectable situation, far beyond any other period. Indeed, the returns from the Secretary of the Treasury show how great our imports and how vast our exports. In point of justice, our reputation stands high with the world: our courts will do justice. Pray what foundation for those strong assertions which have been made against the Constitution and the Government?

As to the Funding System, I shall say little at present. I much doubt if it deserves the hard names which have been given it. Abuses will be committed in all countries; no human plan can be secure against them. The assumption of the State debts was fully considered upon a former occasion. Several of us wished to fund the debt of the Union alone: many gentlemen of the North, when we came to look for ways and means, voted against us, and the Eastern Representatives were always ready to join in defeating us, unless the assumption of State debts also took place.

The bill passed the House of Representatives for funding the debt of the Union alone; but the Senate sent it back, with an amendment, assuming State debts to a certain amount. After much argument, the amendment of the Senate was agreed to by the House of Representatives. Justice was nearly done to some States; others do complain, and I think Rhode Island with much reason.

I could have wished that the accounts between the United States and the several States had been settled. But I will give the gentlemen who complain so much an opportunity of satisfying this House, (if they are able,) when the blanks are to be filled up in the bill, that the sums they demand are reasonable, and are intended to give relief to the people of their States. I will vote for the resolution.

Mr. FINDLEY, in answer, said: If I am not altogether so elated with our present prosperity and

resources as my worthy colleague, who has just sat down, I assure you I am not desponding. I think our resources are competent, and our circumstances not depressed; the great industry of our citizens, and the great demand and high price for our produce in foreign markets, which took place about two years ago, gave a spring to our wealth and industry, and furnished ample resources to Government; our feelings have not been pierced with the cries of general distress, until very lately, through the abuse of the novel principles introduced in the Funding System. But though I rejoice with the gentleman in the sufficiency of our means, yet I consider ourselves in the situation of an inexperienced heir, newly come to the enjoyment of a great estate, who, being dazzled with his own splendor, and confident of his means, sets about spending without system or principles, and gets embarrassed before he is aware. We are told, that the principle of assuming the State debts is already admitted by the last Congress, therefore it ought to be completed now; we are just told, too, that it was fully considered there. I ask, then, why was not the business fully completed at that time? If it was not, then what good reason can be given for carrying it further now? Is there any new discovery of better rules to apportion by? or is the distress of the States who have yet some unassumed debt, as pressing as when they had to bear the burden of three or four millions more than now? Gentlemen know, that the length this business has gone already, has given great uneasiness to those States who made the greatest exertions to extinguish their own debts, and to whose circumstances and feelings the resources applied to the assumed debts of the States, are distressing and disagreeable. For what purpose are the Commissioners employed in adjusting the accounts between the individual States and the United States, if the whole of the State debts were to be assumed previous to that settlement? We know the Government is not vested with powers to compel delinquent States to do justice, and that if ever justice is done to those States who have extinguished their own debt, it must be by increasing of the general revenue in proportion to the money Congress will have to pay to those States; and it is an unjustifiable and dangerous policy to draw the money from the people with one hand, to pay it to the State Governments with the other.

I have such information as I can depend upon, that the Commissioners will report upon the final settlement of the State debts, in the course of next winter; and the resolution before the Committee makes no provision for interest until after the year 1792. Why then take this further leap in the dark, when those States who will be actually entitled to it, will be as soon relieved, according to the principles of justice, as they would be by distributing the public property in this manner, by the rule of thumb?

I always thought the assumption of the State debts a measure which the Constitution did not contemplate, and which had a tendency to sow the seeds of discontent in many parts of the Unit-

ed States; and now it is argued that the precedent being set by the last Congress, we ought to copy it. I admit of no principles of infallibility in Congress: and if precedents produce an obligation, we ought to be the more careful not to strengthen them, by repeating such as are improper or doubtful. The only plausible reason for assuming the State debts in the last Congress so far, was to ease the burden of such States as had been most backward in providing for their respective debts, so as that they might be able to provide for what remained until the accounts would be settled, and to make some provision for the States who had done much to extinguish their debt, as a security that the debts would be brought to a final settlement. Certainly those States, at whose desire and for whose convenience so much has been done, ought to have a little more moderation.

Mr. MADISON observed, that a great deal had been said to prove that the General Government is under obligation to provide for the debts of the individual States. The gentlemen who maintain this opinion have not shown that the creditors themselves ever entertained an idea that they should look to the United States for payment of those debts. It is not pretended that the new Constitution varies the situation of the creditors; they stand precisely on the same ground they did under the old Confederation. He (Mr. M.) denied that in the former assumption, the creditors of the individual States were considered in the same point of light as the creditors of the Continent, and for the truth of this, he appealed to the law itself "making provision for the public debt."

The proposition now before the Committee he considered as unjust, as it would place some of the States which had made no exertions to discharge its debts, in a more eligible situation than those which had made the greatest exertions to effect that object. He denied that the first assumption had been generally approved, or had been acquiesced in, and adverted to the proceedings and resolutions of the State of Virginia on the subject; papers are on the table to show the truth of what is now asserted: he added, that he was sorry to find that no more attention had been paid to those papers. Mr. M. then noticed the state of imports and exports from the several States, to show the unequal operation of the assumption as it affects those States, particularly Virginia, which pays so great an over-proportion of the interest on the debts of some of the States.

Mr. GERRY stated a variety of instances to show that the debts of the individual States were always considered as founded ultimately on the faith of the Union; that the creditors had taken the paper of the States on that idea; that the States were considered as agents for the United States: and, on this principle, the contracts for supplies and services on a Continental account had been made, without which the war must have ceased, and the subjugation of the United States have followed. Mr. G. remarked on the partiality and evident injustice of leaving the possessors of

the remainder of the State debts totally unprovided for.

The question on agreeing to this proposition was carried in the affirmative, 33 to 25, but was eventually lost.

The Committee then rose, and had leave to sit again.

MONDAY, April 2.

The House proceeded to consider the report of the committee to whom was referred the Letter from the Secretary of the Treasury, enclosing Returns of Duties arising on Imports and Tonnage within the United States, for one year, ending the 30th of September; also, a Return of Exports within the same period. Whereupon,

Ordered, That the abstract returns of duties on imports and tonnage, also the abstract of exports from the United States to foreign countries, be printed for the use of the members of this House; and that the Secretary of the Treasury be directed to report to this House, in the course of this session, the quantity and value of the exports from each State, anything in the order of the 10th of November last to the contrary notwithstanding.

THE PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the subject of the Public Debt; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and come to several resolutions thereupon, as follow:

"*Resolved*, That the term for receiving on loan that part of the domestic debt of the United States which yet remains unsubscribed, be extended to the first day of ——— next, on the same terms as was provided by the act making provision for the public debt of the United States.

"*Resolved*, That provision ought to be made for payment of the interest on the unsubscribed part of the domestic debt of the United States, to the first day of ———, one thousand seven hundred and ninety ———, on like terms as was provided by the act aforesaid.

"*Resolved*, That the term for receiving on loan that part of the debt of the individual States assumed by the United States, yet unsubscribed, be extended to the first day of ——— next, on the same terms as is provided by the act making provision for the public debt.

"*Resolved*, That a subscription for a farther loan in the debts of the individual States be opened and continued to the first day of ——— next, not to exceed in the whole ——— millions of dollars, in the proportions following: that is to say, [Here enumerating the several States.] *Provided*, That the interest on such loan shall not be payable before the ——— day of ———. *And provided*, That when the sum to be assumed for any State shall not be subscribed by the holders of any of the evidences in which the same is made receivable, the State shall not be entitled to receive interest on the residue.

"*Resolved*, That the subscriptions to the aforesaid loans in State debt, be payable in such certificates, bills, notes, and evidences of debt whatsoever, as shall have been issued by the respective States, and by the several Commissioners of Loans of the United States, on ac-

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count of the excesses of the sums subscribed in certain States beyond the sums heretofore assumed for such States: *Provided*, That no such certificates, bills, notes, or evidences of debts of the respective States, shall be receivable upon the said loan, which, from the tenor thereof, from any public record, act, or document, shall appear or can be ascertained to have been issued for purposes irrelative to compensations and expenditures for services or supplies towards the prosecution of the late war, and the defense of the United States, or of some part thereof during the same; but this shall not be construed to exclude any certificate, bill, note, or evidence of debt, which shall have been issued in lieu or on account of any other certificate, bill, note, or evidence of debt, which was itself issued in relation to such compensations and expenditures.

Resolved, That the debt due to certain foreign officers, the interest whereon is payable at the house of Grand, in Paris, be discharged out of any moneys obtained on loan by the President of the United States, in virtue of the act making provision for the public debt, which may now be unappropriated.

Resolved, That the interest on so much of the domestic debt as has been or may be purchased for the United States, or as shall be paid into the Treasury, and so much of the sum appropriated for the payment of the interest on the foreign and domestic debt as shall be over and above what may be sufficient for the payment of such interest, shall be appropriated for the redemption of the public debt. The said funds to be applied to the purposes aforesaid by the Commissioners hereafter mentioned, under the approbation of the President of the United States.

Resolved, That ——— be Commissioners for the purposes aforesaid, and that a precise account of all the debts redeemed, and of all purchases by them made, be laid before the Legislature within ——— months after its first meeting in every year."

The House proceeded to consider the said resolutions; and the first resolution being twice read, a motion was made, and the question being put, to amend the same by adding thereto the following words:

"Except that condition in the act which renders the debt so far subscribed subject to redemption by payments not exceeding, in one year, on account of both principal and interest, a proportion of eight dollars upon the hundred, on any certificate which shall be issued according to the terms therein specified; which condition, so far as it relates to any part of the debt which may hereafter be subscribed, shall be abolished."

It passed in the negative—yeas 27, nays 30, as follows:

YEAS—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Aaron Kitchell, John W. Kittera, Richard Bland Lee, James Madison, John Francis Mercer, Andrew Moore, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, Thomas Sumpter, Thomas Tredwell, Abraham Venable, Alexander White, and Francis Willis.

NAYS—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, Daniel Huger, Philip Key, John Laurance, Amasa Learned, Samuel Livermore, Nathaniel Macon,

Frederick Aug. Muhlenberg, Nathaniel Niles, Theodos Sedgwick, William Smith, John Steele, Samuel Stretton, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

And then the main question being put, that the House do agree to the said first resolution, it was resolved in the affirmative.

The second and third resolutions were then severally read; and on the question thereupon, agreed to by the House.

Ordered, That the further consideration of the said resolutions be postponed until to-morrow.

TUESDAY, April 3.

MR. LIVERMORE, from the committee to whom was referred the memorial of the Illinois and Wabash Land Companies, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying lists of sundry petitions returned to this House, pursuant to an order of the 27th of last month; which was read, and ordered to lie on the table.

THE PUBLIC DEBT.

The House resumed the consideration of the resolutions reported by the Committee of the Whole House yesterday, on the Report of the Secretary of the Treasury on the subject of the Public Debt. Whereupon, the fourth resolution having been read, in the words following:

Resolved, That a subscription for a further loan in the debts of the individual States be opened and continued until the first day of ——— next, not to exceed in the whole ——— millions of dollars, in the proportions following: that is to say, in the debt of New Hampshire, ———; [and enumerating all the other States.] *Provided*, That the interest on such loan shall not be payable before the ——— day of ———: *And provided*, That, when the sum to be assumed for any State shall not be subscribed by the holders of the evidences in which the same is made receivable, the State shall not be entitled to receive interest on the residue."

A motion was made, and the question being put to amend the same by inserting after the words "individual States," these words; "whether discharged by the said States respectively since the treaty of peace, or undischarged."

It passed in the negative—yeas 22, nays 30, as follows:

YEAS—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, William B. Giles, Andrew Gregg, Israel Jacobs, Philip Key, Aaron Kitchell, Sam^l Livermore, Nathaniel Macon, James Madison, John F. Mercer, Andrew Moore, Nathaniel Niles, Josiah Parker, Joshua Seney, Upton Sheridne, Jeremiah Smith, Jonathan Sturges, Abraham Venable, and Francis Willis.

NAYS—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, Thomas Hartley, James Hillhouse, Daniel Huger, John W. Kittera, John Laurance, Amasa Learned, Frederick Aug. Muhlenberg, William Vans Murray, John Page, Theodore Sedgwick, William Smith, John

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Steele, Peter Sylvestre, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

And then the main question being put, that the House do agree to the said fourth resolution, it passed in the negative—yeas 26, nays 29, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, James Gordon, William Barry Grove, Thomas Hartley, Dan'l Huger, Philip Key, John Laurance, Amasa Learned, Nathaniel Macon, Frederick Augustus Muhlenberg, Theodore Sedgwick, William Smith, John Steele, Peter Sylvester, George Thatcher, Thomas T. Tucker, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, William B. Giles, Nicholas Gilman, Andrew Gregg, Daniel Heister, James Hillhouse, Israel Jacobs, Aaron Kitchell, John W. Kittera, Richard B. Lee, Samuel Livermore, James Madison, John Francis Mercer, Andrew Moore, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Joshua Seney, Upton Sheridine, Jeremiah Smith, Jonathan Sturges, Abraham Venable, Alex'r White, and Francis Willis.

Ordered, That the further consideration of the said resolutions be postponed until to-morrow.

WEDNESDAY, April 4.

The House resumed the consideration of the resolutions reported by the Committee of the Whole House on Monday last, on the Report of the Secretary of the Treasury on the subject of the Public Debt. Whereupon, the fifth resolution having been read, in the words following:

Resolved, That the subscriptions to the aforesaid loans in State debt be payable in such certificates, bills, notes, and evidences of debt, whatsoever, as shall have been issued by the respective States and by the several Commissioners of Loans of the United States, on account of the excesses of the sums subscribed in certain States beyond the sums heretofore assumed for such States: *Provided,* That no such certificates, bills, notes, or evidences of debt, of the respective States, shall be receivable upon the said loan, which, from the tenor thereof, or from any public record, act, or document, shall appear or can be ascertained to have been issued for purposes irrelative to compensations and expenditures, for services or supplies towards the prosecution of the late war and the defence of the United States, or of some part thereof during the same; but this shall not be construed to exclude any certificate, bill, note, or evidence of debt, which shall have been issued in lieu or on account of any other certificate, bill, note, or evidence of debt, which was itself issued in relation to such compensations and expenditures."

The question was put that the House do agree to the same, and it passed in the negative.

The sixth, seventh, and eighth resolutions were severally twice read; and on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the first, second, fourth, sixth, seventh, and eighth resolutions, and that Mr. FITZSIMONS, Mr. LAURANCE, Mr. KEY, Mr. MAQWEN, and Mr.

SMITH, of South Carolina, do prepare and bring in the same.

On a motion made and seconded,

"That it be an instruction to the committee last appointed, to report a provision for a loan of the remaining debts of the individual States."

The said motion was objected to, as out of order. Whereupon, the SPEAKER declared the said motion not to be in order; from which decision of the Chair, an appeal being made by two members to the judgment of the House, and the question taken, "Is the said motion in order?" it passed in the negative; and so the said motion was rejected.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to ascertain the boundary of a tract of land purchased by John Cleves Symmes," with an amendment; to which they desire the concurrence of this House.

On motion,

Resolved, That the President of the United States be requested to cause the proper officers to lay before this House such papers of a public nature, in the Executive Department, as may be necessary to the investigation of the causes of the failure of the late expedition under Major General St. Clair.

Ordered, That Mr. FITZSIMONS, Mr. GUNN, and Mr. STEWEL, be appointed a committee to wait on the President of the United States with the foregoing resolution.

GENERAL NATHANIEL GREENE.

The House proceeded to consider the resolution reported from the Committee of the Whole House on the 24th of February last, to indemnify the estate of the late General Nathaniel Greene for a certain suretyship entered into by the said Nathaniel Greene, in his lifetime, on the public behalf. Whereupon, the said resolution being read at the Clerk's table, as follows:

"Whereas, the late Major General Nathaniel Greene, on the 8th day of April, 1783, the more effectually to procure rations and supplies for the Southern Army of the United States, became bound as surety for John Banks & Co, to Newcomen & Collet, merchants in Charleston, for the payment of £8,743 lvs. 6d., sterling money, being the condition of the said bond:

"And whereas, on the 1st of May, 1786, the balance of principal and interest of said bond, being then £8,888 6s. sterling, was paid by the said General Greene. Therefore,

Resolved, That the United States shall indemnify the estate of the said General Greene for the said sum last mentioned, and the interest thereof, or for such sum as, upon due investigation by the officers of the Treasury of the transactions between John Banks & Co., with Messrs. Newcomen & Collet, in which General Greene was security for the said Banks & Co., it shall appear that neither General Greene nor his executors shall have received any payment or compensation for: *Provided,* The executors of the said General Greene shall account for a sum being about £2,000, be the same more or less, recovered by John Ferris, one of the partners of the said John Banks & Co., to be in part of the indemnification aforesaid; and also shall make over for the use of the United States, all mortgages, bonds, co-

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venants, or other counter-securities whatsoever, now due, which were obtained by the said General Greene, in his lifetime, from the said Banks & Co., on account of his being surety for them as aforesaid, to be sued for in the name of the said executors, for the use of the United States."

The previous question thereon was called for by five members, to wit: "Shall the main question, to agree to the said resolution, be now put?" And on the previous question, "Shall the main question be now put?" it was resolved in the affirmative. And then the main question, "That the House do agree to the said resolution?" being put, it was resolved in the affirmative—yeas 29, nays 26, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, Andrew Gregg, Thomas Hartley, Daniel Heister, Philip Key, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Theodore Sedgwick, Upton Sheridine, William Smith, Samuel Sterrett, George Thatcher, John Vining, Jeremiah Wadsworth, and Francis Willis.

NAYS.—John Baptist Ashe, Elias Boudinot, John Brown, Abraham Clark, William B. Giles, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Nathaniel Mason, Andrew Moore, Nathaniel Niles, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Peter Sylvester, Thomas Treadwell, Artemas Ward, Alexander White, and Hugh Williamson.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. LIVERMORE, Mr. PAGE, and Mr. BARNWELL, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act for the relief of persons imprisoned for debt."

The said bill was read the first time.

Mr. SENEY, from the committee to whom was referred a motion relative to a certain claim of the State of Maryland, made a report, which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. BOURNE, of Rhode Island, reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. BOUDINOT, from the committee to whom was committed the bill sent from the Senate entitled "An act for regulating processes in the courts of the United States, and providing compensation for the officers of the said courts, and for jurors

and witnesses," made a report, which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill authorizing a grant and conveyance of certain lands to the Ohio Company of Associates, on the terms therein expressed; and, after some time spent therein, the Committee reported progress, and obtained leave to sit again.

THURSDAY, April 5.

An engrossed bill to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to the said school, during the late war, was read the third time and passed.

The bill sent from the Senate entitled "An act for the relief of persons imprisoned for debt" was read the second time, and ordered to be committed to a Committee of the Whole House.

Mr. LIVERMORE, from the committee appointed, presented a bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him, for the public service, during the late war; which was received, and read the first time.

The House proceeded to consider the report of the Secretary of War on the memorial of Anthony Walton White, which was made on the 21st day of February, 1791. Whereupon, so much of the said report being read as proposes—

"That the sum of one hundred and fifty thousand dollars, paper currency, advanced by the memorialist for the support of his regiment of cavalry, during the late war, should be passed to the credit of the memorialist, at its specie value, on the final settlement of his public accounts, either with the State of Virginia or the United States."

Ordered, That the same be referred to Mr. BOUDINOT, Mr. MOORE, and Mr. SUMPTER, with instruction to report thereon by way of bill or bills.

The House again resolved itself into a Committee of the Whole House on the bill authorizing a grant and conveyance of certain lands to the Ohio Company of Associates, on the terms therein expressed; and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. MOWLER reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The House proceeded to consider the amendment proposed by the Senate to the bill entitled "An act to ascertain the boundaries of a tract of land purchased by John Cleves Symmes;" and the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury relative to supplies necessary for the ensuing year; and, after some time spent

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therein, the Committee reported progress, and had leave to sit again.

A message from the Senate informed the House that the Senate have agreed to a resolution that Congress will adjourn on Tuesday, the 17th of April, instant; to which they desire the concurrence of this House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury accompanying his report on the subject of compensations to officers employed in the collection of the revenue, pursuant to an order of the 18th of January, 1791; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress;" and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. BOURNE, of Rhode Island, reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

The said bill, together with the amendments, was then read the third time and passed.

APPORTIONMENT BILL.

A message was received from the President of the United States returning to the House the bill passed by the two Houses entitled "An act for an Apportionment of Representatives among the several States according to the first Enumeration," and presented to the President for his approbation on Monday, the 26th of March; to which bill the President having made objections, the said objections were read, and ordered to be entered at large on the Journal, as follows:

"UNITED STATES, April 5, 1792.

"Gentlemen of the House of Representatives:

"I have maturely considered the act passed by the two Houses entitled 'An act for an Apportionment of Representatives among the several States, according to the first Enumeration;' and I return it to your House, wherein it originated, with the following objections:

"First. The Constitution has prescribed that Representatives shall be apportioned among the several States according to their respective numbers; and there is no one proportion or divisor which, applied to the respective numbers of the States, will yield the number and allotment of Representatives proposed by the bill.

"Second. The Constitution has also provided that the number of Representatives shall not exceed one for every thirty thousand; which restriction is, by the context, and by fair and obvious construction, to be applied to the separate and respective numbers of the States; and the bill has allotted to eight of the States more than one for every thirty thousand,

"G. WASHINGTON."

Resolved, That to-morrow be assigned for the reconsideration of the said bill, in the mode prescribed by the Constitution of the United States.

FRIDAY, April 6.

An engrossed bill authorizing the grant and conveyance of certain lands to the Ohio Company

of Associates, according to the terms therein expressed, was read the third time and passed.

Mr. FITZSIMONS, from the committee appointed, presented a bill supplementary to the act making provision for the Debt of the United States; which was received, and read twice and committed.

INDEMNITY TO GENERAL GREENE.

A bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him, for the public service, during the late war, was read the second time; and, on a motion made and seconded that the said bill be committed to a Committee of the Whole House on the first Monday in August next, it passed in the negative—yeas 17, nays 45, as follows:

YEAS.—John Baptist Ashe, Abraham Clark, William B. Giles, William Barry Grove, Aaron Kitchell, Nathaniel Macon, James Madison, Andrew Moore, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Abraham Venable, and Hugh Williamson.

NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, John Brown, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, John W. Kittera, John Laurence, Amasa Learned, Richard Bland Lee, Samuel Livermore, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Theodore Sedgwick, Upton Sheridme, Israel Smith, William Smith, Samuel Sterrett, Peter Sylvester, Geo. Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Artemas Ward, Alexander White, and Francis Willis.

Ordered, That the said bill be committed to a Committee of the Whole House on Monday next.

APPORTIONMENT BILL.

The House proceeded to reconsider the bill passed by the two Houses entitled "An act for an Apportionment of Representatives among the several States, according to the first Enumeration," which was presented for approbation on Monday, the 26th of March, and returned by the President yesterday, with objections.

The said bill was read, and is as follows:

"An Act for an Apportionment of Representatives among the several States, according to the first Enumeration.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and twenty members, elected within the several States, according to the following apportionment, that is to say: Within the State of New Hampshire, five; within the State of Massachusetts, sixteen; within the State of Vermont, three; within the State of Rhode Island, two; within the State of Connecticut, eight; within the State of New York, eleven; within the State of New Jersey, six; within the State of Pennsylvania, fourteen; within the State of Delaware, two;

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within the State of Maryland, nine; within the State of Virginia, twenty-one; within the State of Kentucky, two; within the State of North Carolina, twelve; within the State of South Carolina, seven; and within the State of Georgia, two.

"JONATHAN TRUMBULL,

"Speaker of the House of Representatives.

"JOHN ADAMS,

"Vice President U. S. and President of Senate."

The President's objections were also read; and, after debate on the subject-matter of the said bill, the question "That the House, on reconsideration, do agree to pass the bill," was determined in the mode prescribed by the Constitution of the United States, and passed in the negative—yeas 23, nays 33, as follows:

YEAS.—Fisher Ames, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, John Steele, George Thatcher, Thomas Tredwell, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, Wm. Barry Grove, Daniel Heister, James Hillhouse, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Upton Sheridina, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

And so the said bill was rejected, two-thirds of the House not agreeing to pass the same.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers;" to which they desire the concurrence of this House.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury relative to supplies for the ensuing year; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate agree to the first and disagree to the last amendment proposed by this House to the bill sent from the Senate entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress."

SATURDAY, April 7.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury accompanying sundry petitions which were referred to him, and returned pursuant to an order of the House of the 27th ultimo.

The bill sent from the Senate entitled "An act

supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," was read twice and committed to the whole House immediately.

The House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. BOURNE, of Rhode Island, reported that the Committee had had the bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House. The said bill, together with the amendment, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to erect a Light-house on Montauk Point, in the State of New York;" and, after some time spent therein, and an amendment being made thereto, the said bill was read the third time and passed.

The House proceeded to reconsider their last amendment, to which the Senate hath disagreed, to the bill sent from the Senate, entitled "An act fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress;" and the same being read—

Resolved, That this House doth recede from their said amendment.

Ordered, That a committee be appointed to prepare and bring in a bill or bills apportioning Representatives among the several States, according to the first Enumeration, at the ratio of one Representative for every thirty thousand persons in the respective States; and that Mr. LAURANCE, Mr. SENEY, and Mr. SMITH, of New Hampshire, be the said committee.

The House again resolved into a Committee of the Whole House on the Report of the Secretary relative to supplies necessary for the ensuing year; and, after some time spent therein, the Chairman reported several resolutions thereupon, which were severally twice read, and agreed to by the House.

Mr. LAURANCE, from the committee appointed, presented a bill apportioning Representatives among the several States, according to the first Enumeration, at the ratio of one Representative for every — thousand persons in the respective States; which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for altering the times of holding the Circuit Courts in certain districts of the United States, and for other purposes;" and, after some time spent therein, the Chairman reported that the Committee had had the bill under consideration, and made no amendment thereto.

Ordered, That the said bill do lie on the table.

MONDAY, April 9.

The House proceeded to consider the report of the committee to whom was referred a motion

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respecting a claim of the State of Maryland: Whereupon,

Resolved, That the claim of the said State be allowed for the sum of two hundred and forty-two pounds eight shillings and three pence, current money of the said State, paid to Nicholas Ruxton Moore, for the amount of a judgment rendered against him in the General Court of the said State, on account of horses purchased for the use of the United States during the late war; and that the Commissioners for settling the accounts between the United States and individual States, be authorized and directed to adjust and settle the said claim, with the agent of the State aforesaid, on the same principles as other claims of the several States are adjusted and settled; any limitation in the acts of Congress to the contrary notwithstanding.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. SENY, Mr. GERRY, and Mr. SUMPTER, do prepare and bring in the same.

APPORTIONMENT BILL.

The House resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration; at the ratio of one for every — thousand persons, in the respective States.

Mr. GILES observed, that, although this subject has been heretofore thoroughly discussed, and the minds of gentlemen probably fatigued with the discussion, yet he could not help trespassing upon the patience of the Committee, by mentioning some of the principal reasons which would influence his vote against the motion, and in favor of that ratio which will afford the greatest number of Representatives authorized by the Constitution. He was induced to do this from an opinion that, in the usual course of things, arguments will have an effect upon the public mind in some measure proportioned to their own solidity, and the purity of the motives which actuate them. That the compound of these qualities form a common standard, by which all arguments would and ought to be measured by the great majority of the people; and he had no objections to submitting his reasons to the application of this common standard; he meant, however, to confine himself to general remarks, and not to fatigue the Committee unnecessarily with minute exemplification of them.

He proceeded by observing, that the expression in the Constitution induced and justified the general expectation among the people of the United States, that one Representative for every thirty thousand persons was secured to them by the Constitution; that a definitive certainty in the number of Representatives, as well as the manner of procuring them, is, in its nature, of Constitutional and not of Legislative provision, and affords a reason against varying the ratio mentioned in the Constitution, although that ratio be expressed in terms of latitude; that Congress had confirmed the general expectation in the public mind by the proposed amendments to the Constitution, and had at least given a solemn opinion in favor of the ratio of one to thirty thousand, until the number

of Representatives should amount to one hundred, after acquiring which number by that rule only, a qualified discretion is admitted; that the opinions of the great bulk of the people of America were in favor of an increased representation, at least as far as the utmost limits prescribed by the Constitution; that this circumstance was evidenced by the Conventions which adopted the Constitution; that it was further evidenced by the several Legislatures which adopted the proposed amendments before alluded to; that it was still further evidenced by the number of Representatives in the respective State Legislatures; that this last circumstance is rendered peculiarly forcible by a comparative view of the objects of legislation chartered to the Government of the United States, and those retained to the State Governments. The objects of legislation chartered to the Government of the United States, are wholly national and important; the objects of legislation retained to the State Governments are comparatively local and subaltern: those peculiarly prompt temptation and invite corruption—these offer no inducements to either, in the Government of the United States, the constituents of the Representative body are complex and diversified; in the State Governments they are comparatively simple and assimilated. That a sympathy with the feelings of the people should characterize this branch of the Government; wisdom is the expected characteristic of the Senate; and despatch of the Executive.

To the inequality of representation relatively to States suggested to result from the application of this rule, Mr. G. replied that the inequality complained of is rather ideal than real; that to determine how far this consideration really ought to exist among States, it is right and proper to ascertain the whole comparative Government; and the issue of this inquiry will be, that those States in whose favor the rule is said to operate, possess the least governmental influence in the Senate, proportioned to numbers; and that the casual gain here is no equivalent for the certain loss there. As far, therefore, as the governmental influence of States in relation to numbers is to operate, it will furnish a motive of preferment for the rule he contended for.

It has been said (continued Mr. G.) that the representation of the States in the Senate is strictly defined by the Constitution, and that therefore the consideration of the relative influence of the States, then, should not be resorted to as an argument in the apportionment of Representatives to this House. But, it should be observed, that the rule contended for, though not so strictly defined, is equally within the pale of the Constitution; and the most extended use to be made of this consideration is, to manifest the impropriety of resorting to the pretended inequality among States, as a conclusive argument to vary that ratio of representation for this House which is admitted to be the most proper, upon its intrinsic merits, and when viewed without a reference to that consideration. This particular subject suggests a peculiar equity and propriety, in taking into consideration the com-

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parative governmental influence of the States in the Senate, proportioned to numbers; because, it is in consequence of a representation by States, there, that they gain this unequal influence: and nothing more is contended for by this rule than a representation of the people through the medium of the several States, here. The rule of representation is not the cause of the present inequality, as far as it may appear to exist; it is a mere contingent circumstance, depending upon arbitrary facts and numbers, which cannot be rendered subservient to any general rule. It should also be remarked, that most of the States supposed to be favored by the operation of this rule, have, heretofore, been unequally represented in the extreme; and from the extent and rapid population of these States, it may be concluded, with certainty, that previously to the expiration of the present apportionment, the real inequality of representation in this House, as well as in the Senate, will continue to bear particularly hard upon them. Perfect equality is unattainable; and the proposed ratio is, in the principle, equally subject with any other to all the inconveniences which it is intended to remedy.

The inconveniences of the rule he contended for, in their utmost extent, can never be very great, because the same rule is applied in the same manner to the respective States; and the most extended scope for its unequal operation must be confined to the casual result of the fractional numbers within the several States. In reflecting upon this argument of inequality of representation in relation to States, an idea had presented itself to his mind which seemed to him both novel and important; and that is, that a quality exists in the Government, from its peculiar organization, which enables a minority of constituents, through the medium of a majority of Representatives, to give law to a majority of constituents, absolutely against the will of their minority of Representatives. This quality of the Government arises from the State representations in the Senate; and it exists not merely in speculation or idea—it has been sensibly felt in practice, and there is a real tendency in the Government to make it still more so. The very bill now under consideration will probably furnish one strong evidence of its efficacy in practice; it would have passed very differently from the present proposition, if it had not met with this unnatural check; and I am concerned, said he, to remark, that almost in every important measure of the Government, the minority of the people of the Union had given law to the majority of the people, against their consent, as far as this can be evidenced through the medium of their Representatives. This, it is to be feared, is a radical evil in the Government, and its magnitude would be in a great measure proportioned to the extension of the objects of legislation by this Government. If the people be the only legal source of governmental authority, and this right of individuals be equal, this is certainly a heterodox principle in the Government. He would not pretend to say, however, that this was a cancer upon the body politic too inveterate and vital to admit of a

cure; but he conceived it to be a sore of that sort which it would be unwise to irritate or tamper with: and he conceived, also, the present proposition not to be without its irritating qualities.

Mr. G. then proceeded to consider, upon general principles, of increasing the representation in this House to the full extent authorized by the Constitution, and particularly with a view to the necessity of establishing, in this branch of the Government, a permanent sympathy with the landed interest. He observed, that all Representative Governments appeared to possess a natural tendency from Republicanism to Monarchy; that, great inequalities in the distribution of wealth among individuals, consequent upon the progress of all Governments, appeared to be the cause of their political evolutions; that no competent remedy against this evil had been heretofore discovered, or at least practically applied by any Government; that perhaps this great political light may first shine forth through the medium of the American Constitutions, and serve, as some others have previously done, to illumine not only the American, but the European world.

The peculiar circumstances of the United States, however, since the late Revolution, and in the infancy of the American Governments, favored extremely this natural principle of the growing inequality in the distribution of wealth amongst individuals. An extensive, unexhausted, fertile country furnished full scope for agriculture, the plenty and cheapness of provisions and rude materials for manufactures, and an unshackled commerce for the merchant; and to these were added the blessings of peace, and laws securing to the individual the exclusive possession of the fruits of his own industry, however abundant. There were intrinsic circumstances; there was a contingent one. A public debt—the price of the Revolution itself and its consequent blessings—had been incurred, and, from the imbecility of the then existing Confederacy, and other causes, was depreciated considerably below its nominal value; but it was then in small masses, and not very unequally spread amongst the individuals throughout the whole United States. The Government of the United States, instead of managing this contingent circumstance with caution, and declaring so in its administration, seized upon it with its fiscal arrangements, and applied it as the most powerful machine to stimulate this growing inequality in the distribution of wealth—a principle perhaps too much favored by other existing causes. The Government, not satisfied with the debts contracted by the former Confederacy, assumed the payment of a great proportion of the debts contracted by the respective State Governments, and established funds for paying the interest of the whole. This measure produced two effects, not very desirable amongst individuals. It gathered these scattered debts, at a very inferior price, from the hands of the many, and placed them into the hands of the few; and it stimulates the value of them. Thus collected into greater masses, beyond all calculation, by the artificial application of fiscal mechanism, it produced a variety of serious effects with

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respect to the Government. In opposition to the agricultural or republican, it enlisted a great moneyed interest in the United States, who, having embarked their fortunes with the Government, would go all lengths with its Administration, whether right or wrong, virtuous or vicious, by rendering the debt but partially redeemable, passing perpetual tax laws, and mortgaging their products to the payment of the interest of this perpetually-existing debt. It gave the Executive a qualified control over the best moneyed resources of the United States, not contemplated by the Constitution, nor founded in wisdom. It gave rise to an unauthorized incorporation of the moneyed interest, and placed it as far as possible from the reach of future Legislative influence. It established the doctrine that one systematic financier was better able to originate money bills and tax the people of the United States, than the whole collected wisdom of their Representatives, with the aid of a reciprocity of feeling. It gave rise to the idea of a Sinking Fund, without limitation as to amount, to be placed in the hands of a few trustees, and there to be protected from Legislative control by all the sanctions and securities annexed to private property. In short, it established the doctrine that all authority could be more safely intrusted to, and better executed by a few, than by many; and, in pursuance of this idea, made more continual drafts of authority from the Representative branch of the Government, and placed it in the hands of the Executive; lessening, by this mechanism of administration, the constitutional influence of the people in the Government, and fundamentally changing its native genius and original principle. He (Mr. G.) knew of no competent remedy against the abominable evils to be apprehended from the future operation of these unhallowed principles, but a permanent establishment of the candid or Republican interest in this House; and the best chance of effecting this great object he conceived to be a full representation of the people. His alarms respecting these fashionable, energetic principles were greatly increased by a perspective view of some of the proposed measures of Government. He saw systems introduced to carve out of the common rights of one part of the community privileges, monopolies, exclusive rights, &c., for the benefit of another, with no other view, in his opinion, but to create nurseries of immediate dependants upon the Government, whose interest will always stimulate them to support its measures, however iniquitous and tyrannical, and, indeed, the very emoluments which will compose the price of their attachment to the Government will grow out of a tyrannical violation of the rights of others. He would forbear to mention a variety of other circumstances, to prove that principle having a tendency to change the very nature of the Government, have pervaded even the minutest ramifications of its fiscal arrangements, nor would he dwell upon the undue influence to be apprehended from moneyed foreigners, who had become adventurers in the funds, nor the various avenues opened to facilitate the operation of corruption. He would merely re-

mark, that, acting under impressions produced by these considerations, and strengthened by others not less pertinent and important, suggested by a number of gentlemen, in the course of the discussion of this subject, and believing that a full representation of the people will furnish the only chance of remedy for the existing, and a competent protection against future evils, he should feel himself criminal if by his vote he should give up a single Representative authorized by the Constitution. The same impressions would have induced him to have voted for the proposition which gave one hundred and twenty members, had it not been for a conscientious and paramount regard for the preservation of the Constitution. The difference of the position of the members throughout the United States, which would have been assumed by the difference in the manner of making the apportionment, never amounted to the minimum of a consideration with him against the proposition; for he felt a conviction that the agricultural or equalizing interest was nearly the same throughout all parts of the United States; and he hoped that the increased representation would furnish strong testimonies of the truth of the position. He would remark, generally, the Government of America was now in a state of puberty, that is, at this time. She is to assume a fixed character, and he thought it in some degree rested upon the vote now to be given, whether she would preserve the simplicity, chastity, and purity of her native representation and Republicanism, in which alone the true dignity and greatness of her character must consist; or whether she will, so early in youth, prostitute herself to the venal and borrowed artifices and corruptions of a stale and pampered Monarchy? Whatever his own opinions or suspicions may be respecting the tendency of the present Administration, and whatever may be the discussion of to-day, he should still preserve a hope that the increased representation, supported by the enlightened spirit of the people at large, will form an effectual resistance to the pressure of the whole vices of the Administration, and may yet establish the Government upon a broad, permanent, and Republican basis.

When Mr. GILES had concluded, the Committee rose, and reported an amendment, viz: to fill up the blank with the word "thirty-three;" which was carried in the affirmative—yeas 34, nays 30, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Israel Jacobs, Aaron Kitchell, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, William B. Giles, Samuel Griffin, William Barry Grove, Philip Key, John Laurance, Richard Bland Lee, Nathaniel Macon, James

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Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridane, John Steele, Samuel Starrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Ordered, That the said bill, together with the amendments, be engrossed and read the third time to-morrow.

A message from the Senate informed the House that the Senate agree to the amendment proposed by this House to the bill sent from the Senate, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers."

The House proceeded to consider the bill sent from the Senate, entitled "An act for altering the times of holding the Circuit Courts in certain Districts of the United States, and for other purposes." Whereupon the said bill was amended at the Clerk's table, and was then read the third time and passed.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying sundry papers and documents, relative to the late campaign, under General St. Clair, transmitted pursuant to the directions of the President of the United States.

Ordered, That the said Letter and papers be referred to the committee appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair.

The House resolved itself into a Committee of the Whole House on the bill to extend the time heretofore granted for the payment of the duties on certain teas imported after the third day of March, one thousand seven hundred and ninety-one; and no amendment being made thereto,

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, together with the amendments, be read the third time to-morrow.

TUESDAY, April 10.

Ordered, That Mr. GERRY be appointed, in the room of Mr. SENECA, on the committee to whom it was referred to inquire into the causes of the failure of the late expedition under Major General St. Clair.

The bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls," together with the amendments thereto, was read the third time and passed.

An engrossed bill to extend the time heretofore

granted for the payment of the duties on certain teas, imported after the third day of March, one thousand seven hundred and ninety-one, was read the third time and passed.

An engrossed bill for apportioning Representatives among the several States, according to the first Enumeration, at the ratio of one for every thirty-three thousand persons in the respective States, was read the third time and passed.

Mr. FINDLEY, from the committee to whom was referred the petition of Henry Hill, on behalf of himself and others, made a report; which was read, and ordered to be referred to the Committee of the Whole House on the bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him for the public service, during the late war.

Mr. MUHLENBERG, from the committee to whom was referred the petition of Moses Young, made a report; which was read, and ordered to lie on the table.

Mr. SENBY, from the committee appointed, presented a bill to direct the settlement of a certain claim of the State of Maryland; which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him for the public service, during the late war; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And then the question being put, that the said bill, together with the amendments be engrossed, and read the third time to-morrow, it was resolved in the affirmative—yeas 37, nays 23, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, Daniel Huger, Philip Key, John W. Kittera, John Laurence, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Theodore Sedgwick, Upton Sheridane, William Smith, Samuel Starrett, George Thatcher, Abraham Venable, John Vining, Jeremiah Wadsworth, and Francis Willis.

NAYS.—John Baptist Ashe, Elias Boudinet, John Brown, Abraham Clark, Benjamin Goodhue, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Nathaniel Macon, Andrew Moore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Artemas Ward, Alexander White, and Hugh Williamson.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States;" and the same being read, several were agreed to.

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The Militia Bill.

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Ordered, That the further consideration of the said amendments be postponed until to-morrow.

WEDNESDAY, April 11.

A memorial of John de Neufville, late a citizen of and merchant in Amsterdam, but now of Cambridge, in the State of Massachusetts, was presented to the House and read, praying to be reimbursed for sundry advances of money and supplies in support of the American cause, during the late war; also, for the losses he sustained in consequence of his exertions to produce a commercial treaty between Holland and the United States, and an acknowledgment of American Independence. Referred to the Secretary of State, with instruction to examine the same, and report his opinion thereupon to the House, at the next session of Congress.

A petition of the inhabitants of the towns of Cincinnati and Columbia, and the settlements upon the Little Miami, in the Northwestern Territory of the United States, was presented to the House and read, praying to be quieted in their respective locations and settlements, to which they suppose themselves entitled, under the purchase made by John Cleves Symmes, and his associates, of the United States. Referred to Mr. FINDLEY, Mr. BENSON, Mr. MADISON, Mr. SMITH, of South Carolina, and Mr. BALDWIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

An engrossed bill to indemnify the estate of the late Major General Nathaniel Greene, for a certain bond entered into by him for the public service, during the late war, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative—yeas 33, nays 24, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, Philip Key, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, William Smith, Samuel Stewart, George Thatcher, Abraham Venable, John Vining, Jeremiah Wadsworth, and Francis Willis.

NAYS.—John Baptist Ashe, Elias Boudinot, John Brown, Abraham Clark, Benjamin Goodhue, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Nathaniel Macon, Andrew Meeme, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Artemas Ward, Alexander White, and Hugh Williamson.

Mr. FITZSIMONS, from the committee appointed, presented a bill for raising a farther sum of money for the protection of the frontiers; which was received, and read twice and committed.

The House resumed the consideration of the amendments proposed by the Senate to the bill,

entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States." And having made further progress therein, an adjournment was called for: Whereupon, the several orders of the day were further postponed until to-morrow.

THURSDAY, April 12.

A petition of John Gibbons, Treasurer of the State of Georgia, was presented to the House and read, praying that separate certificates may be issued for the pay of the officers of the late Georgia line, agreeably to a general certificate of the list of balances due them, signed by the late Commissioner of Army Accounts, and lodged in the Treasury thereof. Referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

THE MILITIA BILL.

The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States;" and the two last amendments being read, for adding to the end of the bill the following sections, to wit:

"And be it further enacted, That the President of the United States is hereby authorized to call out the Militia, or such part thereof, as the exigence may, in his opinion require, to execute the laws of the Union, suppress insurrections, and repel invasions. And when Militia are employed in the service of the United States, they shall receive the same pay and allowances as are now made to the troops in service.

"And be it further enacted, That, if any officer or private soldier of the Militia, being ordered into the service of the United States, pursuant to the powers herein given, shall refuse obedience to such orders, he shall forfeit to the use of the United States a sum not exceeding the amount of one year's pay of such officer or soldier respectively, as herein established. And the Militia, while in the service of the United States, shall be subject to the Rules and Articles of War. *Provided*, That the Courts Martial by whom they shall be subject to be tried, shall be composed entirely of Militia officers of the same State with the offenders."

A motion was made, and the question being put, to amend the first of the said amendments, by adding thereto the following proviso:

"*Provided, always*, That the powers herein given to the President of the United States for calling the Militia into service, be and continue in force until the end of the next session of Congress, and no longer."

It was resolved in the affirmative—yeas 37, nays 20, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Joshua Seney, Upton Sheridane, Jeremiah Smith, Sam-

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The Militia Bill.

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uel Sterrett, Peter Sylvester, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, and Artemas Ward.

YAYS.—John Baptist Ashe, Abraham Baldwin, Elbridge Gerry, William B. Giles, William Barry Grove, Philip Key, Samuel Livermore, Nathaniel Macon, John Francis Mercer, John Page, Josiah Parker, Cornelius C. Schoonmaker, Israel Smith, William Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Abraham Venable, Alexander White, and Francis Willis.

Pending the consideration of the foregoing amendments the following debate took place:

Mr. MERCER opposed the section empowering the President of the United States to call out the Militia. He considered the subject too important to receive a hasty decision; and as the session is so near its close, and no immediate necessity exists to make the provision, he hoped it would be postponed to the next session.

Mr. STEELE objected to the section; he considered it as having an inauspicious aspect; that it was an insult to the majesty of the people to hold out the idea that it may be necessary to execute the laws at the point of the bayonet. He moved, as an amendment, "that nothing in this act shall be construed to empower the PRESIDENT to march the militia of one State into another." He said he had no doubt that there were in every State a sufficient number of persons well informed, and attached to Government, to quell any insurrection, and to restore good order.

Mr. BENSON supported the section. He observed that the question must be met some time or other; and he conceived that it would be a perfect nullity to pass a militia law without the provision contemplated by the amendment; for, he asked, to what purpose is it to constitute a militia, if they are not to be made any use of to support the laws? According to a doctrine which was avowed in the House yesterday, the institution of a militia is to enable the individual States to oppose the encroachments which may be made on them by the General Government! This, he conceived, was an entire new doctrine; such a doctrine as was never before heard of. What sort of Government must that be, which is authorized to pass laws, and at the same time has no power to carry those laws into execution? He said that such a discretionary power was lodged in the Supreme Executive of the several States, and for exactly the same purposes specified in the amendment; and he had never heard it objected to before. Gentlemen contend that this power is proper, as it respects the several States, but highly improper as it respects the Government of the United States. What sort of a situation, said he, does this place this Government in?

Mr. WILLIAMSON objected to the amendment, as imperfect in its construction, and as containing some dangerous principles.

Mr. LIVERMORE also opposed the amendment.

Mr. GERRY opposed the amendment, as vesting a dangerous power in the Supreme Executive; that circumstances did not render the delegation necessary. The people of the several States ap-
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pear disposed to submit to the laws, and such an exigency ought not to be anticipated.

Mr. MURRAY said he had voted in the affirmative on the amendment which had just been annexed to the amendment from the Senate, because it limited the duration of a power which struck his mind as rather large and undefined as to its objects. He should now vote against the whole as amended; and he was at liberty so to do, inasmuch as he had voted for the amendment, because he wished, if the gift of such power was to be made, to circumscribe, at least, its duration. He professed himself a friend to energetic Government, but wished to communicate such energy through well defined channels, and to see it directed towards constitutional objects. He would go as far as most men in enforcing the laws of the Union; in providing for the calling out of the strength of the community to preserve peace and repel force; but he could not accede to the idea contained in the provision of that section; which was, that the time, the cause, and the place in which the militia were to be called out, should be all left to the discretion of one man. The theory of the Government warranted no such dereliction of power in this House, nor its delegation to another. He imagined that, as the Constitution had contemplated the organizing of the militia separately from the provision for calling them into actual service, it would be most proper to separate these different objects in legislation. He, therefore, hoped the amendment, as amended, would be negatived; and that a committee would be appointed immediately to bring in a bill to accomplish its objects with proper modifications. To create and organize a militia, was one thing—to provide for calling it forth to execute the laws of the Union, suppress insurrections, and repel invasions, was another and separate object. These things were as separate in their natures, as they were diversified by relative inferiority and magnitude of objects. The ingenuity with which a weapon is formed, bears no comparison with the principles and wisdom under which its use and direction are to be applied. Of all the offices of politics, the most irksome and delicate is that by which a Legislature directs the military force of the community to its own conservation, as it presupposes situations in which resistance to the Government itself is contemplated. Hence, we see a jealousy even in England of the use of the sword, when drawn against any part of the community. It was surely the duty of Congress to define, with as much accuracy as possible, those situations which are to justify the execution in its interposition of a military force. The bill he had in view, he hoped, would attempt to mark with precision the objects the Constitution looked towards, under the words "execute the laws of the Union, and suppress insurrections." What was the occasion to warrant force of that species, was the first object: Who was to judge of its existence, was another: The space or district to which the draft should be or not be confined, was another. And the duration of the service, another. Among these considerations, it could not be forgotten that the civil arm

was ever to be united, if not commanding; and how far the Marshals and Judges of the Courts of the Union ought not to have a power on this subject, deserved more time than the House seemed inclined at present to give this bill. He would take the occasion to declare he had no jealousy as to abuses of power; but this Government is to be administered according to written law, applying to defined objects and situations. It was a Government of definition, and not of trust and discretion. After the objects are well described upon which the military force is to act, the evidence of the occasion settled, and the sphere and duration limited, he would heartily support the most energetic mode in which the object should be reached, and the occasion obeyed. He therefore hoped the amendment would be negatived, and leave given for a committee to bring in a separate bill.

The main question being now put, that this House doth agree to the said amendment, as amended, it passed in the negative—yeas 24, nays 37, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, John W. Kittera, John Laurance, Amasa Learned, Jeremiah Smith, William Smith, Samuel Sterrett, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, John Brown, Abraham Clark, Elbridge Gerry, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Heister, Daniel Hunger, Philip Key, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridine, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Resolved, That this House doth disagree to the said amendment.

The last amendment was then again read, and on the question put thereupon, was disagreed to.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for calling forth the militia, when necessary, to execute the laws of the Union, suppress insurrections, and repel invasions; and that Mr. WHITE, Mr. GERRY, and Mr. MURRAY, be the said committee.

Ordered, That the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said Courts, and for jurors and witnesses," together with the amendments thereto, which were reported by a committee on the fourth instant, be committed to a Committee of the Whole House to-morrow.

Ordered, That Mr. FINDLEY be appointed, in the room of Mr. GERRY, on the committee to whom it was referred to inquire into the causes of the failure of the late expedition under Major General St. Clair.

The House resolved itself into a Committee of the Whole House on the bill to direct the settlement of a certain claim of the State of Maryland; and, after some time spent therein, the Committee reported progress, and obtained leave to sit again.

FRIDAY, April 13.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury respecting the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and agreed to several resolutions thereupon; which were read, and ordered to lie on the table.

A Message from the President of the United States laid before the House a communication of the eleventh instant, from the Minister Plenipotentiary of Great Britain to the Secretary of State, relative to the commerce of the two countries; together with their explanatory correspondence, and the Secretary of State's Letter to him on the subject. The communication and letters referred to in the said Message were read, and ordered to lie on the table.

A memorial was presented from William Hurn, setting forth that he had applied yesterday to the Judges of the Circuit Court in this city to be put on the pension list pursuant to a late law of Congress; and that the Court having refused to take cognizance of his case, he was obliged to apply to Congress for relief.

The sitting Judges were Messrs. Wilson, Blair, and Peters; and from an account which Mr. Boudinot gave in his place, it appeared that the Court thought the examination of invalids a very extraordinary duty to be imposed on the Judges; and looked on the law which imposes that duty as an unconstitutional one, inasmuch as it directs the Secretary of War to state the mistakes of the Judges to Congress for their revision; they could not, therefore, accede to a regulation tending to render the Judiciary subject to the Legislative and Executive powers, which, from a regard for liberty and the Constitution, ought to be kept carefully distinct; it being a primary principle of the utmost importance, that no decision of the Judiciary Department should, under any pretext, be brought in revision before either the Legislative or Executive Departments of the Government, neither of which have, in any instance, a revisionary authority over the judicial proceedings of the courts of justice.

Another objection on the part of the Judges was, that, whereas, there are laws now in force, prescribing a day, beyond which the Courts shall not sit; this new law declares that the Court shall sit five days for the purpose of hearing claims, whether they be offered or not; and leaves nothing to the discretion and integrity of the judges, to sit as long as they have public business to do.

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This being the first instance in which a court of justice had declared a law of Congress to be unconstitutional, the novelty of the case produced a variety of opinions with respect to the measures to be taken on the occasion. At length a committee of five was appointed to inquire into the facts contained in the memorial, and to report thereon.

During the course of the debate, it was mentioned that the Judges of the Circuit Court, in the State of New York, had consented to examine invalids pursuant to the law in question, but on this principle: Congress, they thought, have a right in appointing commissioners for any special purpose, to designate the persons, as well by any official titles with which they are vested, as by their proper names; wherefore, although they would not, in their judicial capacity, undertake the examination of invalids; yet, as commissioners, they devoted each day an hour to the business, after the adjournment of the Court.

Mr. MURRAY urged the necessity of passing a law to point out some regular mode in which the Judges of the Courts of the United States shall give official notice of their refusal to act under any law of Congress, on the ground of unconstitutionality.

No regular motion, however, was made on the subject, which lies over for future consideration.

MONDAY, April 16.

Mr. CLARK, from the committee to whom was referred the petition of the inhabitants of the town of Newark, praying compensation for an Academy which was destroyed by the enemy during the late war, made a report; which was read, and ordered to lie on the table.

A Message was received from the President of the United States enclosing a copy of a Letter from the Judges of the Circuit Court of the United States, held for the New York district; and of their opinion and agreement respecting the "Act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said Courts, and for jurors and witnesses," together with the amendments thereto; and, after some time spent therein, the Chairman reported that the Committee had had the same under consideration, and made some amendments thereto; which were read, and ordered to lie on the table. The several orders of the day were further postponed until to-morrow.

TUESDAY, April 17.

Mr. WHITE, from the committee appointed, presented a bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his reports on the several petitions of Simon Nathan, Mary Wooster, Daniel Ellis, and Samuel How, executors of John How, deceased, Ezra Stiles, on behalf of the President and Fellows of Yale College, in Connecticut, and of Philip Verplank; which were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of the amount and value of exports from each State for one year, pursuant to an order of the second instant; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating such farther appropriations of money as will be necessary for the services of the present year; which was read, and ordered to be referred to Mr. FITZSIMONS, Mr. BENSON, and Mr. KEY, with instruction to report thereon by way of bill or bills.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the several petitions of Lewis Van Woort, Jacob Green, and others, surviving partners of Nathaniel Green and Company, Benjamin Van Fossan, administrator of Peter Van Fossan, deceased, Thomas Hart, John Holbrook, Ludwig Kuhn, Levy Bartleson, Abiel Smith, William Harris, Webb & White, John Crumpton, and Griffith Jones, respectively praying compensation for supplies furnished during the late war; also, on the several petitions of Abraham Darlington, John Wilson, John Franklin, Mary M'Cullen, Christian Harner, William Lane, Peter Miller, John Jones, Adolphus Brower, John Harly, Henry Walton, and Richard Green, respectively praying compensation for damages done, and property taken, by the army of the United States during the late war; also, on the several petitions of Christian Knipe, John Smyth, Nathaniel Tracy, and Roger M'Lean, respectively praying compensation for transportation during the late war; which report was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on sundry papers referred to him, concerning a marine hospital at the town of Washington, in the State of Virginia, and on the memorial of the Marine Society of Boston, on the subject of marine hospitals; which was read, and ordered to be referred to Mr. AMES, Mr. STERRETT, and Mr. PARKER.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing a grant and conveyance of certain lands to the Ohio Company of Associates," with an amendment; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the bill for raising a farther sum of money for the protection of the Frontiers; and, after some time spent therein, reported progress, and obtained leave to sit again.

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Protection of the Frontier.

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WEDNESDAY, April 18.

Mr. BOUBINOT, from the committee to whom was referred the petition of William Haburn, respecting the refusal of the Judges of the Circuit Court for the district of Pennsylvania, to execute an act passed at the present session, entitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," made a report; which was read, and ordered to lie on the table.

Mr. BOUBINOT, from the committee appointed, presented a bill for settling the demands of Anthony Walton White against the United States; which was received, and read the first time.

A petition of Charles Colvill and John Robertson was presented to the House and read, praying to be paid the amount of their ransom from slavery among the Algerines, together with their expenses in traveling from Algiers to Scotland, and from thence to America; as also, that measures may be taken for procuring the ransom or relief from slavery of Captains O'Brien and Stephens, with their respective crews, being citizens of the United States, and now in slavery at Algiers. Referred to Mr. LAURANCE, Mr. MADISON, and Mr. LIVERMORE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House that the VICE PRESIDENT having requested and obtained leave of absence from the Senate for the remainder of the session, RICHARD HENRY LEE was duly elected President of the Senate *pro tempore*; also, that the Senate have passed a bill entitled "An act making alterations in the Treasury and War Departments;" to which they desire the concurrence of this House.

The said bill was read twice, and committed.

The House again resolved itself into a Committee of the Whole House on the bill for raising a further sum of money for the protection of the Frontiers; and, after some time spent therein, the Chairman reported that the Committee had made several amendments thereto; which were severally read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have resolved that the bill sent from this House entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas, imported after the third day of March, 1791," do not pass to a third reading.

THURSDAY, April 19.

A bill for settling the demands of Anthony Walton White against the United States was read the second time, and committed.

Mr. GOODHUE, from the committee appointed, presented a bill relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompany-

ing his report on the petition of the merchants of Philadelphia, relative to the erection of piers for the convenience of the navigation of the river Delaware; which was read, and ordered to be referred to Mr. FITZSIMONS, Mr. VINING, and Mr. KEY, with instructions to prepare and bring in a bill pursuant thereto.

PROTECTION OF THE FRONTIERS.

The House proceeded to consider the amendments reported by the Committee of the Whole House yesterday to the "bill for raising a further sum of money for the protection of the Frontiers;" and the same being read were further amended, and agreed to.

A motion being made to enhance the duty on imported hemp and cordage, and to strike out imported cotton from articles exempted from duty—

Mr. BOURNE said, he hoped this increase would not be agreed to; the navigation of the United States would suffer by it, as the supply furnished by the cultivation of that article was not competent to the demand.

Mr. WHITE said, that on the principle of uniformity, he thought this duty ought to be raised; but when it is considered that many of the duties are designed to encourage the manufactures of the United States, he thought that equal attention should be paid to the agricultural interest, an interest as important as any other, at least.

Mr. WILLIAMSON supported the amendment. He said the independence of the United States, in respect to its navigation, was so important an object, that he conceived everything ought to be done to effect it. Among others, proper encouragement should be given to the raising of hemp, especially when it is considered that we have a greater proportion of land than any other country; that experiments have proved that it can be raised to advantage; that it will, if duly encouraged, conduce to rooting out the cultivation of tobacco, which impoverishes the soil, and is a mere article of luxury. He was at a loss to account for the omission of this duty in the first instance.

Mr. PARKER supported the amendment. He enlarged on the good policy of affording this encouragement. He said, if the gentleman who moves to disagree to the amendment, had proposed to reduce the duty on canvas, he thought it would be more consistent; and, in this case, he should be willing to relinquish this enhanced duty on hemp.

Mr. GOODHUE said he should agree to the enhanced duty.

Mr. LAURANCE opposed it, principally on account of its being a tax on a raw material, and a very essential one, too, to the navigation and commerce of the United States.

Mr. MADISON offered some remarks in favor of the enhanced duty.

The amendment was agreed to. Foreign cotton being inserted among the articles to be exempted from duty—

Mr. MACON moved that it should be struck out. He thought it best that the duty should be continued. Great quantities, he said, were raised in

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the Southern States, for which they could not find a market.

Mr. AMES opposed the motion. He said there were manufactures carried on in the United States which required foreign cotton. Some things could not be manufactured without cotton of a particular staple. He further remarked, that the encouragement to the raising of cotton depends on the manufactures formed from it; hence he inferred that this very encouragement is suspended on a due attention to the manufactures.

Mr. STEELE stated sundry particulars, to show that the cotton raised in the Southern States was adapted to every species of manufactures; and depending on encouragement from Government, the farmers of North Carolina had gone largely into the cultivation of that article. It is well known, said he, that the situation of the three Southern States is favorable to the raising of hemp and cotton; and, on the principles of reciprocity, he thought it but just and equal to extend encouragement to the agricultural interest of those States.

Mr. BALDWIN observed, that he could have wished the gentleman had mentioned the particular species of cotton, which was so necessary in the manufactures, that could not be procured from the Southern States. He said that there were two sorts of cotton raised there—one of a short, the other of a long staple; and under due encouragement, they would in a few years raise every description of that article.

Mr. FITZSIMONS, Mr. MURRAY, and Mr. KITTERA, supported the motion for striking out the article.

Mr. PAGE, in favor of the duty, observed, that the gentleman [Mr. AMES] who had expressed his fears that American cotton would not suit the manufacturers, might lay aside his fears, for he knew from experience the contrary. That even if what had been said of the cotton of the United States were true, he knew that there was reason to believe that the cotton of the West and East Indies would grow even in Virginia—that both had been lately introduced into that State. Such fears, he said, might upon examination perhaps be traced to the same origin with some formerly introduced into Virginia; that the sheep of America were only useful as food, their wool being unfit for the woollen manufacture. He added, he well remembered it was with difficulty some people were convinced that the salt water of America would yield *salt*. He said, for his part, he should as easily be persuaded that the fish of the United States were unfit for food, and as incapable of being cured so as to be merchantable, as that the cotton of America was unfit for the cotton manufactures; he therefore, advised the worthy member to be upon his guard against such insinuations. As to himself, Mr. P. declared, he had no idea that any member of either House could wish to injure the interests of any of the States; but, he said, he was authorized to suppose that as the manufacturers in general were foreigners, they had their prepossessions and prejudices, which might give rise to the opinions entertained by some gentlemen respect-

ing the unfitness of our cotton for manufacture; but he averred that whatever gave rise to them, they were ill-founded, as he had often seen and worn in the late war, cotton cloth and stockings, as good and fine as ever had been imported. As to encouraging the manufactures, however, said he, I have ever thought it foreign to the business of Congress, and if not so, a mere taking from one hand and giving to another; a delicate affair, which might be misunderstood and misapplied; however, as it is thrown in before us, I take my share for my constituents.

As to the fears of the member from Pennsylvania, [Mr. KITTERA] that the culture of cotton may injure the farmer, Mr. P. said, he could assure him that he had found cotton a good preparative for wheat, and that lands where he lived, which had been worn out with tobacco, yielded excellent cotton, and left the ground in fine order for wheat, and that cotton, if properly encouraged, would be a good substitute for tobacco.

A motion was then made, and the question put, to amend the said bill by adding to the end thereof the following clause:

“And be it further enacted, That this act shall continue until the ——— day of ———, and until the next session of Congress which shall happen thereafter, and no longer; and that, from and after the expiration of the same, the duties hereby extinguished and repealed shall be revived, collected, and appropriated, in the same manner they would have been had this act never been passed.”

The yeas and nays being demanded by one-fifth of the members present, were taken, and stood—yeas 32, nays 31,

Whereupon, the SPEAKER declared himself with the nays. And so the said question was lost.

Those who voted in the affirmative are as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sherdine, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Those who voted in the negative are—

NAYS.—Jonathan Trumbull, *Speaker*, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, William Smith, Samuel Sterrett, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

FRIDAY, April 20.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury,

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on the memorial of Eliphalet Ladd; which was read, and ordered to be referred to Mr. FITZSIMONS, Mr. GERRY, and Mr. MURRAY, with instruction to prepare and bring in a bill or bills making a general provision for the case of the petitioner and others in similar circumstances.

A petition of divers citizens and inhabitants of the State of North Carolina was presented to the House and read, praying that Congress will authorize the Assembly of the said State to lay a duty by way of tonnage or toll on vessels coming over the Bar and Swash and Croatan Shoals, for the express purpose of deepening the same, and thereby removing the obstruction to the navigation leading to the towns of Edenton, Washington, and Newbern.

Ordered, That the said petition be referred to Mr. WILLIAMSON, Mr. WHITE, and Mr. TUCKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

PUBLICATION OF THE DEBATES.

Before the House proceeded to the order of the day—

Mr. GERRY said, that the circumstance of a publication which had made its appearance that morning induced him to rise for the purpose of bringing forward a proposition respecting a full and impartial publication of the debates of that House. Every gentleman, he believed, would agree with him that, from a publication of this kind, the citizens of the United States would derive such information respecting the proceedings of the Legislature, and the principles on which the laws are grounded, as must be productive of the most salutary effects, and attach the people more strongly to the General Government; but that *ex parte* publications can have no other tendency than to misrepresent their proceedings, and alienate the affections of the citizens. He therefore moved the following resolution:

“Whereas an impartial publication of the Debates of Congress, stating accurately their Legislative measures, and the reasons urged for and against them, is a desirable object, inasmuch as it may aid the Executive in administering the Government, the Judiciary in expounding the laws, the Governments and citizens of the several States in forming a judgment of the conduct of their respective Representatives, and Congress themselves in revising and amending their Legislative proceedings: And whereas, from the want of proper arrangements, such publication has not been accomplished—

“*Resolved,* That ——— persons, of good reputation, and skilled in the art of stenography, be, at the next session, appointed by ballot, to take and publish, impartially and accurately, the Legislative subjects which may be submitted to the consideration of the House, and the debates thereon of the members respectively; that the persons so to be appointed be considered as officers of the House, and provided for accordingly; that they be severally qualified by oath to a faithful discharge of the trust; and that such regulations shall be prescribed, as may be necessary to protect them in attaining the salutary objects of their appointment.”

This (Mr. G. said) was a subject which ought no

longer to be overlooked. Whilst Congress sat at New York, great uneasiness had been occasioned in the House by the mode in which the debates were published. Sometimes members were introduced as uttering arguments directly the reverse of what they had advanced. At other times, the substance of the arguments, as published, wore an aspect widely different from what they had when offered in debate. In some instances, their arguments were so garbled that they themselves were unable to recognise them in print; in others, they were disfigured with grammatical errors, and rendered totally unintelligible; and, on many occasions, the arguments on one side of the question only were published.

Such were the effects produced by this mode of publication that a gentleman from South Carolina [Mr. BURKE] brought forward a motion for correcting those evils, which was debated for some time. After the subject had been two or three times under discussion, the House was informed that there was a probability of care being taken in future to correct the errors; and thus the matter was passed over.

Mr. G. then mentioned a circumstance which he had learned from a gentleman who had declared he could prove it on oath before the House, if called upon, viz: that, having asked one of those persons who at that time published the debates, “how he could think of publishing them so inaccurately?” the answer was, “that he was under a necessity of obliging his employers.” Hence, he concluded that there must have been a corrupt faction who influenced that short-hand writer.

When Congress first came to this city, the debates were published pretty accurately; and so they were this session, in some of the papers, but in others, the case was otherwise; and he himself, as well as other gentlemen, had been under a necessity of publicly contradicting them in print. In some of the debates, the answer to an argument was published before the argument itself made its appearance; on other occasions, they were published very fully on one side of the question, whilst nothing appeared on the other. Every gentleman, he believed, would admit that this was a true state of the business; and it was well known that, on many important occasions, no debates had been published at all.

The want of regularity in the publication was, he supposed, owing, in some measure, to the want of proper encouragement, as the printers of newspapers would not probably find their account in allowing a sufficient compensation to induce short-hand writers to devote their whole time to the business.

Mr. G. then read from the American Daily Advertiser (of Friday last) the following passage:

“A warm debate hereupon took place, during the course of which, one gentleman, who strenuously supported the motion, was several times interrupted. Apprehensions were expressed of dangerous consequences, in case his speech should appear in print; and an honorable member, who opposed the motion, [Mr. GERRY,] declared that the manner in which the debates of Congress had been published, and the business conducted,

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during the present session, had a direct tendency to bring about a dissolution of the Union.

"As the honorable gentleman did not further explain himself, we are at a loss to determine whether he meant to tax the publishers of the debates with inaccuracy in stating them wrong, — or imprudence, in stating them right, and freely publishing whatever sentiments any member of that House may think proper to express, in the constitutional exercise of the freedom of debate. But, certain we are, that he could not mean to stigmatize them as actuated by partiality, undue influence, or sinister motives of any kind."

Here (said Mr. G.) an idea was held up that the gentleman who had spoken first [Mr. MERCER] was interrupted. But it is not said that I was interrupted, too. I was interrupted as often as he. The House can determine whether I have ever taken any measures to prevent a free and candid publication of the debates. On the contrary, I have always endeavored to obtain it; and I will still proceed to accomplish it as far as possible. I think neither this House, nor any of its members, ought to be subject to publications of this kind. If they are, they will be obliged either to enter into paper wars with printers, or to relinquish the public good. It is incumbent on the House to take measures to prevent misrepresentation. I therefore submit to the House the resolution which I have read; and I hope that, if the proposition itself appears worthy of their attention, they will take it into consideration; or, if it wants any amendment, they will refer it to a committee; for I think the subject ought not to be any longer neglected.

Mr. MERCER.—I second the motion; and I think the publication which the honorable gentleman has read to the House contains but a fair statement of facts. The gentleman, in the course of the former debate, made some very strange allusions to what was said by me, which were wholly unauthorized. I consider it as a primary object in this Government that we should on this floor be at all times free to express our sentiments of the Government, without involving the Government itself. I consider such a measure as is now contemplated to be well worthy the serious attention of the House. We are at a distance from our constituents; and it is a misfortune that we are withdrawn from their inspection, by being placed in a part of the Union where it is not easy to compare our circumstances and conduct in private life with the motives which may be supposed to influence our political conduct. Our constituents ought to be acquainted with our proceedings here; and it is only from a full and accurate publication of the debates of this House that they can obtain any satisfactory information on the subject.

Mr. GERRY said, that the paragraph he had read did not contain a full statement of facts, as the apprehensions he had expressed were only in case the arguments should go "*unanswered*."

Mr. GILES made, and Mr. W. SMITH seconded, a motion for referring the resolution to a select committee, to report such regulation as they may think necessary for the publication of the debates.

An additional reason for the reference was, that some alteration in the wording appeared necessarily, to [Mr. SMITH,] so far as respects the Judiciary, &c.

Mr. BOUDINOT objected to the commitment, as he thought it a subject of considerable consequence, and there would not be time to take it up during the present session, the House having already outsat the time which the other branch of the Legislature had proposed for the adjournment. This was his only objection; otherwise, he was far from being opposed to the measure.

Mr. GILES thought the consequence of letting the matter lie over till next session would be, that it would die away, and nothing would be done. Unless some steps be taken during the present session, no persons would come forward as candidates at the commencement of the next. But if a committee report on the subject, the House may determine what steps are to be taken, and people will be prepared accordingly.

The question being taken on the commitment, it passed in the affirmative—yeas 27, nays 22.

Ordered, That the said motion be committed to Mr. GERRY, Mr. MERCER, Mr. LEE, Mr. SMITH of South Carolina, and Mr. KITTEA.

PROTECTION OF THE FRONTIERS.

The House resumed the consideration of the bill which lay on the table "for raising a further sum of money for the protection of the Frontiers;"

Mr. PAGE rose to renew the motion which he made yesterday, that the bill before the House might be recommitted.

I observed then, said Mr. P., that having been reminded of my duty by gentlemen who said that they had not brought any other plan of ways and means before the House, if they objected to that proposed by the Secretary, had not done their duty, I arose then to show how far I had done my duty, and how far I was willing to perform it. I informed the House that as I did not approve of the Secretary's third plan (that which the House had adopted) I had proposed to the leading members (an expression which gave offence to some gentlemen, but which I explained as meaning no more than members who take the lead in business, and to whom I confessed myself obliged for their services, and whom, when they lead rightly, I was willing to follow) an adoption of the Secretary's second plan, but not meeting with their approbation, I then joined my friends in endeavors to amend the bill; failing in this, and called on to do my duty, I rise to move that the bill be recommitted. Had gentlemen, sir, done what they promised they would do, if the House would apply to the Secretary of the Treasury for a plan of ways and means, I should have no occasion to make this motion. They promised that they would freely and boldly examine his report, and listen attentively to every proposition which could be opposed to it; but have they done this? No; they embraced without hesitation the third plan proposed by the Secretary, as if it were because he said it was the best of the three, without offering either of the other two plans to the House, although the second had been proposed by

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a member from Massachusetts [Mr. GOODHUE] before the House had agreed to apply to the Secretary for his opinion. I hope, therefore, that those gentlemen will now agree to recommit the bill, that we may have an opportunity of trying whether one of the two other plans proposed by the Secretary, or some other, may not be preferable to that adopted in the bill; or, if not, let us at least see whether the plan which has been adopted may not be simplified; for there appears no shadow of reason for repealing an act for establishing a permanent revenue, to re-enact it in a bill for raising a sum of money for a temporary purpose—the business of a campaign—nor can there be any propriety in passing a bill for the defence of the frontiers, which is in fact a bill for the encouragement of manufactures, and of the fisheries, and for increasing the Sinking Fund, and also for the introduction of a Stamp Act.

If the Committee of the Whole will not adopt the first plan proposed by the Secretary, I mean that for disposing of the interest in the Bank of the United States, which I confess I should prefer to laying the excessive duties proposed in the third plan, and which are to be levied by the bill before you; nor the second plan, which was once so well recommended by the member from Massachusetts, at least I hope they will simplify the bill, by striking out what is foreign to its purpose; that is, the repeal of the former revenue law; and the indirect introduction of a Stamp Act; if we are to have a Stamp Act, and I have no objection to one, let it be introduced fairly and openly, and stand by itself. For my part, I think it a sufficient reason to recommit the bill, to amend it so that it may show at one view not only for what purpose the additional duties are to be laid, but what they are. As the bill now stands, they are so blended with other duties, that no man can see in what manner the sum wanted is to be raised. I know I shall be said to be a bad financier, if I propose to sell out our stock in the bank. I agree that the Secretary's reason against selling now, when stocks are so low, is good; but I know that I speak like the representative of plain dealing, honest Republicans, when I propose rather to sell out their stock in the bank, than to lay additional taxes on them, and increase the duty on imports to such a degree as to introduce smuggling, which must be destructive of their morals, ruinous to their revenue, and which may undermine even their manufactures, which these duties were intended to protect; for, as I remarked on a former occasion, if you go beyond a certain point in taxing imports, you will tempt smugglers to introduce articles with which they will undersell the fair trader and the manufacturer. I confess, however, that as we have an interest in the bank, which may be usefully applied to sinking the national debt—I am willing to apply it to that purpose—and that I prefer the Secretary's second plan to the one the House has adopted. If the bill be committed, I shall be pleased to find the Committee disposed to adopt that. By the plan now in the bill, we are in the first instance to borrow the money wanted. Why, if we are to lay an additional duty, may we not lay only enough

to pay the interest annually, and the principal by instalments? This, I think, must be much more agreeable to our constituents, than to pay the whole sum required by taxes in one year. I see not why we should increase the duties on imported articles rather than on tonnage. I think an additional duty on foreign tonnage, or, if Congress have the courage to lay it, on vessels of nations not in alliance with us, would easily raise a sum for the discharge of the loan necessary on this occasion; and I am of opinion that it is high time to increase the tonnage on such vessels; it is more than two years since this House declared that it would lay an additional duty on the tonnage of vessels of a certain nation, if it would not make a commercial alliance with our States. I know it is said that such a measure might impede a treaty; but, sir, no nation upon earth has a right to resent such a step, nor can we be injured by retaliation. As to a treaty, I doubt much whether we stand in need of one. I fear the business of treaties is better understood elsewhere than here, and that Foreign Ministers might be an overmatch for us in such negotiations. I had rather regulate our commerce, so as to induce the country with which we wish to trade upon advantageous terms, to grant us such terms; at all events, I should aim at increasing our revenue in this manner. If we cannot extend our commerce, and at present I would avoid an increase of duty on imports, I think that the lands in the Western Territory should be sold, and tonnage increased, before we lay any further burden on imported articles—a burden which must be unequally felt by the different States. I hope, therefore, that the bill will be recommitted, and so amended, that it may pass by a great majority.

Mr. HARTLEY made some observations in opposition to the motion. The motion to recommit was negatived.

The bill then being open to amendments, Mr. WILLIAMSON objected to the section which exempted books imported for Colleges and Academies from a duty, and after stating some reasons for his opinion, moved to amend the section by striking out the clause making this exception. This motion, after some debate, was agreed to.

The bill being further amended, was, together with the amendments, ordered to be engrossed and read the third time to-morrow.

—
SATURDAY, April 21.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the several petitions of Josias Clapham, John Higby, John Elias Moore, William Arnold, William Albaugh, and Margaret Crowell, executors of Henry Crowell, deceased; Daniel Freer; Laurana Richardson, administratrix of George Richardson, deceased; Elizabeth Mark, widow of George Mark, deceased; Henry Lee, William Graham, jr., William Baker, William Jones, Daniel Schermerhorn, John Craine, Peter Huber, John Hays, Daniel Robbins, John Pollhemus, Thomas Donnellan, Stephen Remington, Samuel Skillman, John Hayden, Job Kit-

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tredge, Ebenezer Whittemore, and Martha Whittemore, heirs of William Kittredge, deceased, and William Robinson, respectively, praying the renewal of certain certificates, which are alleged to have been destroyed or lost; which report was read, and ordered to be referred to Mr. LEE, Mr. STERRETT, and Mr. THATCHER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of sundry merchants and others, inhabitants of the city of New York, was presented to the House and read, praying that an act establishing an uniform system of bankruptcy throughout the United States may be passed, under such restrictions and with such limitations as Congress shall think just. Referred to the committee appointed to prepare and bring in a bill or bills to establish an uniform system of bankruptcy throughout the United States.

PROTECTION OF THE FRONTIERS.

An engrossed bill for raising a further sum of money for the protection of the Frontiers was read the third time, and the blanks therein filled; and, on the question that the said bill do pass—

Mr. PAGE made the following remarks: If the bill were what its title says it is, I should be the last man in this House to vote against it. But it is so different from what its title represents it to be, that this, added to the objections which I have already made and heard against it, I shall vote against its passage. Sir, it is not a bill for the protection of the frontiers, but for the encouragement of certain manufactures, and of the fisheries, and for the increase of the Sinking Fund. It is a bill very different from what it ought to be, and is about to pass, from what has fallen from some gentlemen, as a compromise for the assumption of the State debts, and an encouragement to the manufacturers and fisheries. Such compromise I cannot approve of; and such a bill I cannot vote for. If it be thrown out, I think we may bring in one to answer its purpose much better. It is improper to entangle this bill with matter foreign to it. There is no occasion to repeal the act for establishing a permanent revenue to blend it with this bill.

Mr. MURRAY said he was in favor of the bill. A great and unexpected calamity had called on the country for money for the support of a necessary and increased army. In the discussion of this bill there had been a perpetual reiteration of objection by some members as to the inexpediency and impropriety of a reference to the Secretary of the Treasury for his opinion. This might have been all very fair before the reference was made, and his report obtained, but was not altogether absolutely necessary now, when the question was not a reference, but the best mode of raising the sum wanted. He had, however, been convinced of this, that had the faith of the House rested itself on the powers of those who perpetually recur to the reference, and who propose nothing themselves, little could have been accomplished. For surely if those who, in the midst of a general call for the exercise of invention and judgment, con-

tent themselves with complaints at the mode in which the resources of the country have been shown to us, we must conclude that either they have not power, or want inclination to originate or to amend—a fair field has been open to both.

We had been called on to raise five hundred and fifty odd thousand dollars to defray the expenses of a frontier defence; we referred the mode of raising the sum to the Secretary, still retaining what we could not yield—the power of altering, amending, or wholly rejecting the report of that officer. He said that he had voted the reference for reasons which he would not again repeat. Satisfied, as he now was, that he had been then right, he would now vote for the measure, which, with some amendments on the Secretary's system, had arisen from the report. The opposition to the reference at first seemed to him to be founded among other reasons in a properly grounded consciousness of some members in their own ability to do without official assistance. He had imagined, however, that when the report came to be taken up, it would not have been treated with merely naked opposition. He hoped, and he declared himself sincere in the expectation, that some gentlemen, whose distinguished talents fitted them for something better than the mere prevention of evil, would have favored the committee with plans of their own, and at all events have joined in improving and correcting, not merely by limitation of time, but by supplying and ingrafting strength where there might be weakness, and a substitute of something better where there was merely good. When the bill came into discussion he expected that when gentlemen opposed one proposition they would candidly have given an election of a better by proposing something of their own. Where there was no alternative presented, there could be no choice; and it was natural to expect where proof is given of the badness of one system, the judgment should have a chance of comparing what is alleged to be defective with that which is more eligible and perfect. But he lamented that gentlemen had offered nothing like an alternative in the very moment when their efforts seemed to be directed to defeat a bill, for which they neither promised nor offered a substitute. Had the same ingenuity, that appeared to pride itself in its power of impeding, been exercised in its ability to create, to amend, and to propose, he had not a doubt but that a yet more perfect and better digested system had been the result. As he was bound to no particular lesson of finance, he would have met the propositions of members with partiality, and exercised his judgment with deference and candor. On all sides it was agreed that the local feelings and knowledge of the nation were here; they ought, then, occasionally in the progress of the bill to have here suggested the claims of particular interests, and in all practicable cases to have ingrafted them; this was done in some instances, particularly the protecting duties by which the hemp and cotton of the Southern States, and the iron of the Middle States, are encouraged and established. He said he would not detain the House but with a few remarks why the

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bill appeared not only defensible, but good. The predominant feature of it was its *nationality*, as it respected impartial, and, as far as circumstances admit, equal justice and encouragement to the interests and raw materials of the respective States. It presented a point in which the relative interests of the country, and the various resources of its natural riches, had been combined with skill and harmony. A temper of conciliation had actuated members in the several exemptions and protections which they had brought forward; this was a principle invaluable in a Government whose very soul results from that union in which the natural, but distinct and variant, resources of the country could alone flourish.

They can furnish but by combination and mutual aid. Had the bill no other good, it contained this, that it exhibited a striking proof to all the world that, in the various natural endowments of a country so variously gifted, there existed such a character of relation to each other as to secure great internal wealth and prosperity when combined together, and when acted on by a desire to render the natural wealth and raw materials of one State instrumental to the industry and happiness of another. In this bill the raw materials of the more southern States are protected, and made to serve the purposes of industry and manufacture in the more northern States. Manufacturers would indeed be a favored class of the community if the same protecting duties which secured to them the chances of trade, did not at the same time secure to the agricultural interests a sure market for the raw materials of which the manufacture is composed.

In the early stages of this bill, several gentlemen complained of the preference shown to the manufacturing parts of the country, and it was said that the protecting duties would operate exclusively in the Eastern States. When, however, on the completion of this bill, we see the reciprocity under which the agricultural and the manufacturing interests have been viewed and cherished, we must be forced to own both the liberal and conciliating spirit with which the House has been moved, as well as the mutual dependence on which these apparently opposite interests really are supported. In the instances of hemp and cotton, to which the more southern States are best adapted, we see such a preference given that the duties on these articles of foreign growth almost amount to exclusion. Thus the cotton and the hemp of the South will be carried to supply the manufactures of the North, agriculture be gradually invited and drawn into activity and internal supply, and the bands of the Union drawn amicably tighter by a mutual and habitual dependence of each and all the States in the wants and productions of each other. The iron and steel of the Middle States were likewise protected, and as far perhaps as our experience permitted experiment, the domestic resources of the country were nursed and guarded. While the raw materials of the growth of the country have thus a preference, manufacture and agriculture will go hand in hand; and political union, thus enlivened by commercial

barter, as it is the only medium through which their mutual prosperities are produced and harmonized, will prove by experience the blessing which all have hoped for.

The objection of some gentlemen that the protection of manufactures was not the original object of the bill, he did not think a sound one. Several modes of raising the sum, which is our first object, were held out as alternatives. This mode, by imposts, was the most liked. The line of taxation being once adopted, the protection of manufactures naturally arose out of the thing itself. It arose not as a prime object, but as a necessary incident. He thought the bill would insure productive revenue; and he thought the collateral benefit, as it touched a production of the natural riches of the country, a high recommendation.

The question on passing the bill was then taken, and it was resolved in the affirmative—yeas 37, nays 20, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittéra, John Laurance, Amasa Learned, Samuel Livermore, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, Geo. Thatcher, John Vining, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, William B. Giles, William Barry Grove, Nathaniel Macon, James Madison, John Francis Mercer, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridine, Jeremiah Smith, Israel Smith, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Hugh Williamson, and Francis Willis.

WIDOWS AND ORPHANS' CLAIMS.

A Message was received from the President of the United States laying before Congress the copy of a letter which he had received from the Judges of the Circuit Court of the United States held for the Pennsylvania District, relatively to the "Act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

The copy of the Letter referred to in the said Message was read, as follows:

PHILADELPHIA, April 18, 1792.

To the PRESIDENT of the UNITED STATES:

SIR: To you it officially belongs to "take care that the laws" of the United States "be faithfully executed." Before you, therefore, we think it our duty to lay the sentiments which, on a late painful occasion, governed us, with regard to an act passed by the Legislature of the Union.

The people of the United States have vested in Congress all *Legislative* powers "granted in the Constitution."

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They have vested in one Supreme Court, and in such inferior Courts as the Congress shall establish, "the *Judicial* power of the United States."

It is worthy of remark that, in Congress, the *whole* Legislative power of the United States is not vested. An important part of that power was exercised by the people themselves, when they "ordained and established the Constitution."

"This Constitution" is "the supreme law of the land." This supreme law "all *Judicial* officers of the United States are bound, by oath or affirmation, to support."

It is a principle important to freedom, that, in Government, the *Judicial* should be distinct from, and independent of, the *Legislative* department. To this important principle the people of the United States in forming their Constitution, have manifested the highest regard.

They have placed their *Judicial* power, not in Congress, but in "*Courts*." They have ordained, that the "Judges" of those courts shall hold their offices "during good behaviour;" and that "during their continuance in office, their salaries shall not be diminished."

Congress have lately passed an act, "to regulate" (among other things) "the claims of invalid pensions."

Upon due consideration we have been unanimously of opinion that, under this act, the Circuit Court, held for the Pennsylvania district, could not proceed:

1. Because the business, directed by this act, is not of a *Judicial* nature; it forms no part of the power vested, by the Constitution, in the Courts of the United States; the Circuit Court must consequently have proceeded without constitutional authority.

2. Because, if, upon that business, the Court had proceeded, its judgments (for its opinions are its judgments) might, under the same act, have been revised and controlled by the Legislature, and by an officer in the Executive Department; such revision and control we deemed radically inconsistent with independence of that *Judicial* power which is vested in the courts; and, consequently, with that important principle, which is so strictly observed by the Constitution of the United States.

These, sir, are the reasons of our conduct. Be assured that, though it became necessary, it was far from being pleasant. To be obliged to act contrary either to the obvious directions of Congress, or to a constitutional principle, in our judgment, equally obvious, excited feeling in us, which we hope never to experience again.

We have the honor to be, with the most perfect consideration and respect, sir, your most obedient and very humble servants,

JAMES WILSON,
JOHN BLAIR,
RICHARD PETERS.

Mr. WILLIAMSON, from the committee appointed, presented a bill for the sale of lands in the Territory of the United States Northwest of the river Ohio; which was received and read the first time.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of Robert Neil; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to inquire into the state of the recruiting service, and to report thereupon to the House; and that Mr. HARTLEY, Mr. MOORE, and Mr. THATCHER, be the said committee.

MONDAY, April 23.

A bill providing for the sale of land in the Territory of the United States Northwest of the river Ohio, was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

Ordered, That a committee be appointed to prepare and bring in a bill or bills authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates; and that Mr. DAYTON, Mr. TREDWELL, and Mr. GILMAN, be of the said committee.

THE MILITIA BILL.

The House resolved itself into a Committee of the Whole House on the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions:

The second section of the bill being under consideration—

Mr. LIVERMORE, objected to the general terms used in this section; he thought the nature of the offences intended to be guarded against, ought to be more particularly defined, that the sources from whence complaints should issue should be pointed out.

Mr. BENSON was in favor of introducing the express words of the Constitution, and moved to strike out certain expressions for the purpose of substituting those words.

Mr. WHITE observed, that the objections which had now been started were considered by the Committee, and attempts were made to render the clause more express and definite, but it was found they only rendered it more obscure.

Mr. BALDWIN said he considered the objection of the gentleman from New York as involving a dangerous principle. It seems to suppose that the General Government only possesses the power to suppress insurrections; whereas the States individually certainly possess this power; they can suppress insurrections, and will do it; their interest is involved in supporting the laws, and they are fully competent to do it.

Mr. KITTEA said the gentleman from New Hampshire objects to the clause because it is not particular enough; while the gentleman from New York thinks it not general enough; he thought that the clause was very well expressed; it adopts that medium which in such cases is perhaps always the safest.

Mr. PAGE.—I move to strike out the clause—it cannot be amended; I hope there is no occasion for such a clause; it holds out an idea of resistance which I will not suppose can exist. Mild and equitable laws will not be resisted; and if Congress should be so infatuated as to enact those of a contrary nature, I hope they will be repealed, and not enforced by martial law. We have seen no occasion for three years past of such a law as is now supposed necessary. If the resistance be small, said a member from North Carolina, the magistrates will be competent to the business; if great, it would not be prudent to attempt to crush it. It is not necessary to make laws merely because the Constitution authorizes a dangerous power.

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Mr. MURRAY said, he was opposed to the last motion, as well as to that from the gentleman from New York. He offered several remarks to show the necessity of providing for an energetic execution of the laws, while at the same time he was fully impressed with the importance of having the power defined and guarded as much as possible. He adverted to the British Government, where a prompt and energetic execution of the law is considered of the first importance, while at the same time the military is never called in but in the last extremity. He gave a short account of the proceedings of that Government in the insurrection raised in the city of London by Lord George Gordon, &c.

Mr. CLARK was in favor of striking out. He said the motion from the gentleman of New York, went to call forth the military in case of any opposition to the excise law; so that if an old woman was to strike an excise officer with a broomstick, forsooth the military is to be called out to suppress an insurrection. The Government, he observed, was in its infancy, and he saw no necessity for supposing that the people would at this early stage oppose the laws.

Mr. BENSON rose to explain. He said, his ideas were misconceived, he had no such designs as were imputed to him; his wish was to provide in the simplest and best manner for the object contemplated in the bill.

Mr. GERRY, said he was opposed to striking out the section, but still was not pleased with it altogether, and moved an amendment.

Mr. MERCER said, he had not heard any proposition which pleased him; he liked the section as it stood better than any of them, but thought that it required some essential alteration or addition; he had no idea that this Government was to depend on the several State Governments for carrying its laws into execution. He then adverted to the two different powers in a community, the civil and military; the first is a deliberative power, the other cannot deliberate; and therefore in no free country can the latter be called forth, nor martial law proclaimed but under great restrictions. He observed, that the General Government had respect to the persons of the citizens of the several States, and not to the Government of those States; on this principle the marshals of the several States have a power to call forth the *posse comittatus*; and additional marshals should be appointed, and only in the last extremity they may call forth the military power; he was in favor of the whole of retaining the section, and concluded by reading a clause which he proposed should be inserted as an additional section.

Mr. SENEY was in favor of retaining the clause, but he thought it ought to be qualified by some explanatory article.

Mr. PAGE.—Suppose the case should happen in which the militia should refuse to act, regulars must then be called in—a fair pretext for a military establishment. Treason has existed in every country, and has been punished with the approbation of good men; and should a combination too powerful take place, and application be made for assistance, let Congress make laws to provide

for such cases in future. It should be remembered that the doctrine now contended for is that very doctrine which dismembered the British Empire. Sir, it would have been happy for Britain if this doctrine had never been taught in that Kingdom. Soldiers, not militia, must be the proper tools for the Government that wishes to enforce its laws by arms. But do the virtuous, patient, submissive, and truly patriotic citizens of the United States deserve the suspicion which is excited against them, and stigmatizes them in the clause which I move to strike out?

Such bills in a free State, where the people have been taught to look upon the right of refusing submission to unconstitutional acts, may excite insurrections much easier than quell them.

The motion for striking out was negatived.

Mr. STEELE moved to amend the section by striking out the clause which authorizes the PRESIDENT OF THE UNITED STATES to call out the militia of one State to suppress insurrections in another. He enforced this motion by saying that he hoped it would always be found that there were a sufficient number of persons within every State well affected to the laws to suppress any opposition to them within the State.

Mr. MURRAY replied to Mr. STEELE. He said that the gentleman's observations went to deprive the people of one of the most obvious benefits arising from the social compact. He said he should be much obliged to the gentleman if he would point out any other remedy for the case contemplated, than that proposed; for his own part, he knew of none.

Mr. GILES observed, that the exigency contemplated by the section was of so great magnitude, that of the opposition of a whole State to the laws of the Union, that it required a more competent provision than was provided by this bill. He was fully impressed with the propriety of the Government's possessing a power to execute its laws, and to provide for its own security; still he considered that the case to be provided for could not happen suddenly, and therefore he thought the power now under consideration could not with safety be intrusted to the PRESIDENT OF THE UNITED STATES; he was therefore in favor of striking out the clause.

Mr. GERRY supported the clause; he denied that it involved the consequences deduced by the gentlemen opposed to it. It does not suppose a State to be in rebellion; such a supposition cannot be supported, when it is considered that in order to a State's being considered in that light, a Legislative act must precede and accompany a declaration of the fact. He adverted to facts to show the necessity for the provision. He had no objection to qualifying the clause by directing the marshals in the first instance to apply to the Executives of the several States.

Mr. BALDWIN was opposed to the clause, and in favor of striking out. He adverted to the Constitution to show that it was not contemplated thereby that this power should be slightly delegated to the Executive, and agreeable to this idea

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the first Congress had dealt out this power with a sparing hand.

The motion for striking out the clause was negatived.

Mr. STEELE moved to add a clause providing for the intervening of a session of Congress previous to the marching of the militia of one State into another; this, after some debate, was negatived.

An amendment was then moved by Mr. MADISON to modify the section, so as to delegate this power to the PRESIDENT OF THE UNITED STATES during the recess of Congress.

Mr. BENSON observed, that with respect to the object, State lines were perfectly ideal; that an inhabitant of one State was equally bound with that of another to march to suppress insurrections, and to assist in execution of the laws as much as the inhabitants of a State in which the opposition to the laws existed.

The motion of Mr. MADISON was agreed to.

Mr. BALDWIN moved an amendment to the second section, providing that information of any insurrection shall be communicated to the PRESIDENT OF THE UNITED STATES by one of the Associate Justices, or the District Judge; which was agreed to.

Mr. MERCER proposed an additional section providing for the issuing a Proclamation by the PRESIDENT OF THE UNITED STATES, and for the reading of such Proclamation in the hearing of the insurgents, previous to using a military force; which was agreed to.

Section 3d—Mr. MERCER moved to add after the words "articles of war," in the 10th line, *except that they shall not be subject to corporal punishment*; this, after some debate, was negatived.

The Committee now rose, reported progress, and had leave to sit again.

A message from the Senate informed the House that the Senate insist on their amendments disagreed to by this House, to the bill entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States;" and desire a conference with this House on the subject-matter of the said amendments, and have appointed managers at the said conference on their part. They have passed the bill entitled "An act to indemnify the estate of the late Major General Nathaniel Greene, for a certain bond entered into by him during the late war," with several amendments; and a bill entitled "An act to compensate the services of the late Colonel George Gibson;" to which they desire the concurrence of this House.

Mr. HARTLEY, from the committee appointed to inquire into the present state of the recruiting service, made a report; which was read, and ordered to lie on the table.

TUESDAY, April 24.

The House proceeded to consider the amendments proposed by the Senate to the bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into

by him during the late war; and the same being twice read, were agreed to.

Mr. DAYTON, from the committee appointed, presented a bill authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates; was read twice, and committed.

Mr. GERRY, from the committee to whom was referred a motion for obtaining an impartial publication of the debates of the House of Representatives, made a report; which was read, and ordered to lie on the table.

On a motion made and seconded,

Resolved, That the PRESIDENT of the Senate and the SPEAKER of the House of Representatives do adjourn their respective Houses on the 5th day of May next, to close the present sessions, and to meet again on such day as may by law be directed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to alter the time for the next annual meeting of Congress; and that Mr. GOODHUE, Mr. BENSON, and Mr. SMITH, of South Carolina, be the said committee.

The House proceeded to consider the report of the Secretary of the Treasury on the petition of Robert Neil. Whereupon,

Resolved, That the prayer of the petitioner, praying relief against the determination of the Auditor and Comptroller of the Treasury, on a claim which he has exhibited against the United States, cannot be granted.

Mr. GOODHUE, from the committee appointed, presented a bill to alter the time for the next annual meeting of Congress; which was received, read twice, and ordered to be engrossed and read the third time.

Mr. FITZSIMONS, from the committee appointed, presented a bill making certain appropriations therein specified; which was received, read twice, and committed.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize the remission of certain duties; which was received, read twice, and committed.

The House again resolved itself into a Committee of the Whole House on the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and agreed to several amendments thereto; which he delivered in at the Clerk's table.

An engrossed bill to alter the time for the next annual meeting of Congress was read the third time and passed.

WEDNESDAY, April 25.

Mr. LAURANCE, from the committee to whom was referred the petition of Charles Colvill and William Robertson, made a report; which was read, and ordered to lie on the table.

THE MILITIA BILL.

The House proceeded to consider the amendments reported by the Committee of the Whole

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House yesterday, to the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions.

The second section of the bill, for calling forth the Militia, being under consideration—

Mr. GOODHUE observed that the amendment appeared to him to require some amendment; for an insurrection may happen in a remote part of the Union, and all the mischief completed before this proclamation could reach the spot.

Mr. FITZSIMONS observed that the proclamation could reach the scene of action as soon as the order from the PRESIDENT for calling forth the Militia could; therefore, the objection applies to other parts of the bill.

Mr. MERCER supported the amendment on precedent, and by arguments drawn from facts and experience.

Mr. LIVERMORE objected, generally, to any amendment of the bill. He doubted whether the Legislature of the United States had a right to authorize the PRESIDENT to call forth the Militia till some real necessity for the measure should exist.

Mr. CLARK inquired whether the United States have a right to call on the justices of the peace to execute the laws of Congress? if they have no such right, the amendment, so far as it respects those officers, is nugatory.

Mr. WHITE was in favor of the clause generally, but said he had no idea that the General Government had any right to call on the officers of the particular States to execute the laws of the Union.

Mr. GERRY, advertng to several parts of the Constitution, observed, that nothing could be plainer than this—that the General Government had a right to require the assistance of the officers of the several State Governments; for they have severally taken an oath to support the Constitution of the United States.

Mr. KITFERA opposed the amendment. He thought the tendency of it, so far from operating to suppress insurrections, would produce them in a much greater degree. He objected particularly to that part of the clause which required the proclamation's being read in the hearing of the insurgents. He believed it was true, that no advantage had ever, in fact, resulted from the practice.

It was then voted to strike out the latter part of the amendment, which respects calling on the justices of the peace or the judges to read the proclamation.

And then the said bill, together with the amendments, were ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House, authorizing the PRESIDENT of the Senate and SPEAKER of the House of Representatives to adjourn their respective Houses on the 5th day of May next, to close their present sessions, and to meet again on such day as may by law be directed.

The House proceeded to consider the message from the Senate on Monday last, desiring a con-

ference with this House on the subject-matter of the amendments disagreed to by this House, and insisted on by the Senate, to the bill more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States. Whereupon,

Resolved, That this House doth agree to the said conference, and that Mr. CLARK, Mr. WHITE, and Mr. MURRAY, be appointed managers at the same, on the part of this House.

The House proceeded to consider the amendments reported by the Committee of the Whole House, on the 16th instant, to the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and made some progress therein, when an adjournment was called for. Whereupon, the several orders of the day were further postponed until to-morrow.

THURSDAY, April 26.

An engrossed bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, was read the third time, and passed.

Mr. WILLIAMSON, from the committee to whom was referred the petition of Lewis Garanger, in behalf of himself and his brother, Charles Garanger, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the petition of Charles Colvill and William Robertson. Whereupon,

Ordered, That the said report be referred to the Committee of the Whole House on the bill making certain appropriations therein mentioned.

Mr. LEE, from the committee to whom was referred the report of the Secretary of the Treasury on sundry petitions, praying the renewal of certificates which have been lost or destroyed, made a report; which was read, and ordered to lie on the table.

The House resumed the consideration of the amendments reported by the Committee of the Whole House on the 16th instant, to the bill sent from the Senate, entitled "An act regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and the same being further amended, were, on the question severally put thereupon, agreed to by the House.

Ordered, That the said bill, together with the amendments thereto, be read the third time to-morrow.

The House proceeded to consider the resolutions reported by the Committee of the Whole House on the 13th instant, on the report of the Secretary of the Treasury, relative to alterations in the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits dis-

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titled within the United States, and for appropriating the same;" and, the said resolutions being twice read, were, on the question severally put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. FITZSIMONS, Mr. PARKER, and Mr. MACON, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill authorizing a grant and conveyance of certain lands to John Cleves Symmes and his associates; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, together with the amendment, be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to confirm an award or report of referees between the United States and Comfort Sands, and others; and that Mr. BENSON, Mr. SMITH, of New Hampshire, and Mr. GRIFFIN, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill for registering ships or vessels, and for regulating those employed in the coasting trade and fisheries; and, after some time spent therein, the Committee rose, reported progress, and obtained leave to sit again.

The House resolved itself into a Committee of the Whole House on the bill for reducing the rates of postage on newspapers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

FRIDAY, April 27.

The bill sent from the Senate, entitled "An act regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," with the amendments, was taken up, on its third reading; when

Mr. MERCER moved to recommit the bill, in order to restoring an amendment disagreed to in the House, which had passed unanimously in the Committee of the Whole. This amendment was, to strike out the clause that authorizes the creditor to pursue his action till a tender of the debt and costs in gold or silver is made. This motion was founded on the particular circumstances of persons indebted to foreigners. It was said that the law, with this clause in it, would annihilate the power of the several States to pass insolvent laws; and, in consequence, those unfortunate debtors would be entirely in the power of a set of persons who retained the most rancorous enmity against the Revolution, and the persons most conspicuous in their exertions to bring about that event. It was

further said, that it vests a power in a merciless creditor to immure an unfortunate debtor within the walls of a prison for life. It confounds the unfortunate with the vicious and abandoned, and extends a regulation designed originally merely to produce a full discovery and delivery of all the debtor's property, to a most unrighteous and unreasonable punishment, to the shortening of life, and to the injuring of society. It was further observed, that its operation would place the citizens of the United States upon a very different footing from English debtors who owe money to the citizens of the United States. The Treaty of Peace which had been mentioned, was concluded during the existence of those laws under which the British debtors enjoyed privileges which will by no means be reciprocal, should this clause be retained. It was also observed, that if this law was passed, it would not be in the power of the Legislature to provide a remedy, as it would be an *ex post facto* law; it would place the debtors in a much worse situation than they were in at the time the contracts were made—by giving these foreign creditors an advantage which they did not contemplate at the time when the credit was given.

In opposition to the motion for recommitting the bill, it was contended that the creditors alluded to had not discovered that rancorous and cruel disposition, in at least some of the States, which had been complained of; but, on the contrary, had treated their debtors in the most humane and generous manner. The provision contemplated by the bill is precisely the same with that contained in a law which has twice received the sanction of Congress under the new Constitution, of which no complaint had ever been made; that to prescribe a different rule, would excite great alarms, and be attended with embarrassments, and perhaps with injury to the debtor as well as to the creditor. To leave it optional with the debtor to say in what manner he will pay his debts, or to subject the creditor to the caprice of the several State Governments whose laws may be founded on very opposite principles, will put it out of his power to get his debts paid agreeably to the Treaty of Peace, and therefore will be a virtual infraction of that treaty. The provision, it was said, is strictly conformable to the letter of the Constitution. Uniformity, in connexion with justice, was a principal object contemplated by the Constitution. This was considered as one of its chief excellencies; but, to say that foreign creditors shall be subjected to the Legislative provisions of the several States, which are known to clash, some of which have made paper a tender, others of which have depreciated paper in circulation, is, to defeat every just expectation founded on the Treaty of Peace and the Constitution. It was urged that this clause ought to be retained on every principle of uniformity as a general provision. Nor could it be considered as an *ex post facto* law, since every contract would remain as it was, and always be determined according to its own principles; except by mutual consent, this general provision should be resorted to.

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The question was then taken on recommitting the bill, and it was ordered to be recommitted to a Committee of the Whole House immediately.

The House accordingly again resolved itself into a Committee of the Whole House on the said bill; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made a farther amendment thereto; which was twice read, and agreed to.

The said bill, together with the amendments thereto, was again read; and on the question that the same do pass, it was resolved in the affirmative.

An engrossed bill authorizing a grant and conveyance of certain lands to John Cleves Symmes and his associates was read the third time and passed.

An engrossed bill for reducing the rates of postage on newspapers, was read the third time and passed.

Mr. BENSON, from the committee appointed, presented a bill to confirm an award of referees between the United States and certain contractors for furnishing supplies of provision to the Army, during the late war; which was received and read twice and committed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions." They also recede from their amendments, disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States." And they have passed the bill, entitled "An act for raising a farther sum of money for the protection of the Frontiers, and for other purposes therein mentioned," with several amendments; to which they desire the concurrence of this House.

Mr. FITZSIMONS, from the committee appointed, presented a bill concerning the duties on spirits distilled within the United States; which was received, read twice and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill "for raising a farther sum of money for the protection of the Frontiers, and for other purposes therein mentioned;" and the same being read, were amended and agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for the relief of persons imprisoned for debt;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

The several orders of the day were further postponed until to-morrow.

—————
SATURDAY, April 23.

Mr. AMES, from the committee to whom was referred the Report of the Secretary of the Treas-

ury on the subject of Marine Hospitals, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill concerning the duties on spirits distilled within the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

A message from the Senate informed the House that the Senate agree to the amendment proposed by this House to their amendments to the bill, entitled "An act for raising a farther sum of money for the protection of the Frontiers, and for other purposes therein mentioned." They have also resolved that the bill, entitled "An act for reducing the rates of postage on newspapers" do not pass to a second reading.

—————
MONDAY, April 30.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his reports on two petitions of Richard Blackledge; also, on the petition of Joseph Henderson and Alexander Contee Hanson; which were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, together with the amendments, do lie on the table.

DUTIES ON SPIRITS.

The House proceeded to consider the amendments reported by the Committee of the Whole House on Saturday last, to the bill concerning the duties on spirits distilled within the United States; and the same being read, some were agreed to, and others disagreed to.

Mr. STEELE moved to strike out eight cents and insert six, upon the first class of spirits distilled from fruit or grain within the United States. This motion, he said, had failed in Committee, but upon reflection the House might probably express a different opinion, and with that hope he was induced to renew the motion. When a proposition has for its basis justice as well as policy, it cannot lose advocates by consideration, and several days having elapsed since the former discussion, a well grounded assurance is entertained that the present attempt will not be wholly unsuccessful. The object of the Excise law originally was supposed to be revenue. The objects of the present bill is to remove objections, and, if possible, render that mode of taxation more palatable to the community. If therefore it can be proved that neither of these desired ends can be attained without reducing the duty, common sense suggests the propriety of doing it. The manner in which this law is now executed has disgracefully committed the dignity of

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the General Government, and a sense of national honor requires that one of two things should be done; either that the law be totally repealed, or fully executed. If the latter be the determination of the Government, it cannot be productive without reducing the rate simplifying its operations, and, in many respects, rendering it less exceptionable to the people. It has been enacted now near twelve months, and in that time it cannot be said to have been well executed in all, or productive in any part of the United States, in the degree which was originally expected.

The Secretary of the Treasury has proposed, in his report, that in certain instances the proprietors of stills should be allowed to discharge the amount of their respective duties in the produce of the distilleries. This, sir, will be an accommodation to the distillers, but while it answers this beneficial purpose to them, it operates as a strong argument in favor of a reduction of the duties. If reasonably reduced, an indulgence so unfavorably to the public would not be demanded or expected. The present motion is made under a conviction (resulting from a considerable knowledge of the nature of grain distilleries, and of the circumstances of the country where they are most in use) that the Treasury will receive more money from a duty of six than nine cents upon the gallon.

Mr. STEELE then begged the House to recollect that this is the first attempt to introduce a system of excise into the United States; that it is too the first attempt to tax any article of American growth or manufacture; that the law requires a surrender of at least one-fourth part of the value of the thing excised, and that not only the justice of the measure is denied, but its policy is doubted. The necessities of the Government are so interwoven at this time with its policy, that it is not easy for this or any other measure relating to revenue, to undergo the proper consideration, or to be decided simply upon its merits. The opposition to this law has not proceeded from a restless and disorderly spirit among the people, but from an aversion which freemen in all countries ever had, and perhaps ever will have to this mode of taxation. And let ingenious theorists refine as they please upon the nature of indirect taxes, it must always be admitted that excises trench the liberty of the citizens on whom they operate, and that they are subject to solid, as well as plausible objections. It has already been the subject of much complaint in many parts of the Union, and will be productive of serious consequences if these complaints be not redressed by the Legislature, in the present session. Among the causes of dissatisfaction are the following: 1st. Excise laws are novel in the United States, and odious in their nature; 2d. Articles of American manufacture are not proper objects of taxation, and if they were, the rate of duty in this instance is too high; 3d. The proportion which was established between the rate of duties on molasses, rum, and spirits distilled from fruit and grain, tends to the encouragement of the former, at the expense and depression of the latter; 4th. Because it operates, and is in fact, a tax upon this occupation and agriculture,

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as they stand connected in one part of the Union, while manufactures in other parts are not only rewarded by high protecting duties, but in some instances even by specified bounties.

The agricultural interest has experienced the unfavorable influence of this law likewise, and it operates most oppressively too upon that class of farmers whose estates are situated in the interior country, and whose interests have thus far passed almost unnoticed, in the policy of the General Government. That class of citizens, though they have not been most solicitous, are nevertheless not insensible of their burdens, and the neglect with which their interest has been treated.

The value of our lands has been stationary for some time; its produce not in demand, and where it is, at depreciated prices; and notwithstanding this, taxes are imposed, evidently calculated in their operation to render agriculture tributary to the more favored branches of business.

No argument can be advanced that will justify the imposition of burdens upon the cultivation of the soil, for the aggrandizement of manufactures, or the emolument of those concerned in them.

Mr. STEELE then said, he would put a case, which is a familiar one in the State which he represents, and might be so in others. If a farmer is possessed of a given quantity of rye for sale, money cannot be obtained for it at any price—he sends it to a distillery, where one-half is given in the first instance for manufacturing the other. The duty is then to be paid out of the farmer's part, which reduces the balance to less than one-third of the original quantity. If this is not an oppressive tax, I am at a loss to describe what is so; and if a proposition had been made to lay a similar tax upon American porter, nails, paper, shoes, or any other article of this kind, we should not shortly have heard the last of it. And here let me ask, what is in the nature of these manufactories which entitles them to such priorities and preferences? It may fairly be answered, that they are nearer to perfection, that they are aided by more capital, that they are therefore better able to bear taxation, and that the advantages which they now enjoy have been derived from the generosity of members representing the agricultural parts of the country. It is most sincerely to be wished that the manufacturing States would fix some bounds to their expectations, and that they will not continue to insist upon unreasonable sacrifices from those who are engaged in different pursuits, and little able to make them.

The tendency of this law has been, and, if not differently modified, will continue to be, to build up the rum distilleries upon the ruins of those employed by farmers for domestic uses. These are not suggested to be the motives which actuated any part of the majority in passing this law originally, or which now influence the zealous opposition to the present motion; but as the reduction of the tax is objected to principally by gentlemen, who on other occasions have been anxious to afford Legislative aid to American manufactures, it is not uncharitable to say that their singular conduct now might justify such an imputation.

If this has not been the policy, my motion for the proposed reduction will indubitably prevail.

Mr. STEELE then called the attention of the House to the system of Federal taxation in general, and instanced several duties which operate unfavorably to the landed interest, in the Southern parts of the Union. Particularly the high duty on salt, nails, shoes, and other essential articles in husbandry, with which the people of those States are almost wholly supplied from foreign markets. The enhanced price of salt and nails are seriously complained of in those States, because the one is essential to the improvement of their large stocks of cattle; and the article of nails is in very extensive use because the country is improving in buildings, and yet to be improved. The tax upon these articles cannot be felt in an equal degree in the Northern and Eastern States for very obvious reasons.

It has been frequently asserted in the course of this debate, that distilleries in the Eastern States have flourished and are growing up under the operation of this law, which, if true, is an unanswerable argument in proof of its inequality. In the Southern States they are cramped, in many instances annihilated; and the Secretary, sensible of this, has, in his report, proposed a temporary expedient of allowing the distillers the privilege of discharging the duties on the spirits distilled at certain stipulated prices. This is plainly admitting the truth of an assertion which has often been repeated, that the law, in its operation, would be found unequal and oppressive.

In order to vote understandingly on the present question, we ought to have been furnished from the Treasury, with a statement of the net amount of revenue accruing from molasses distillation, after deducting the drawbacks upon the molasses distilled and the rum exported. This, compared with the amount accruing from the distillation of American produce, on which a drawback is seldom demanded, would be placing the subject in a proper point of view for a satisfactory decision. The statement should now be called for, if the late hour of the session did not render it impracticable. A gentleman from Massachusetts, [Mr. AMES,] in the course of his remarks, has stated that the existing proportion is sufficiently favorable to the distilleries employed in grain and fruit. For that the American-made rum now pays, including the duty on molasses, thirteen cents per gallon, while its rival liquor, of common quality, is only subject to nine cents. This is true, as it relates to the consumers within the United States, and if none was exported, might be less exceptionable; but how does it operate upon the American distillers? One in Massachusetts makes a certain quantity of rum for exportation; it is exported, and of course pays no duty; while another, in North Carolina, makes an equal quantity of spirits, from fruit and grain, wholly for home consumption, and stands chargeable for the full amount of the duties. But admitting them both to be articles of American manufacture, and alike entitled to Legislative protection; is there any color of justice in taxing rum, which, by the estimation

of the gentlemen themselves, is worth in the market at least two-thirds of a dollar per gallon, only ten cents, when you propose to tax spirits made from grain, which is worth in the market but half as much, eight cents? The inequality is so glaring that if the motion is decided on principle it must succeed; and if it does, there is good reason to believe that the people will be disposed to give the law a fair experiment, even in places where it has been hitherto least palatable.

This, sir, may not improperly be termed a struggle between two classes of citizens whose interests are, and will be for some years, dissimilar—the agricultural and manufacturing parts of the United States. It is not the first conflict of the kind, and may not, perhaps, be the last; and, if we may judge from experience, it will not be difficult to predict how it will terminate.

However, while facts and principles are in favor of the motion, we shall be justified in contending for what we have not heretofore had, "constitutional equality, and impartial legislation."

It may once for all be remarked, without expecting it will have any influence on the House, that a great majority of my constituents hold in detestation the name as well as the nature of an Excise law; and that they would have been among the first to remonstrate, if they had not been fully sensible that their Representatives would speak their sentiments and describe their feelings whenever a proper occasion should occur.

This is deemed to be that proper occasion; these are their sentiments, delivered in the language of sincerity; and if they are disregarded, the members from that State have discharged their duty, and will not be answerable for the consequences.

But it has been said by a gentleman from Pennsylvania, [Mr. FITZSIMONS,] that if the duty be reduced to six cents, agreeably to my motion, it will not be worth collecting. To this it may be plainly answered, that if the duty be not reduced, it cannot, nor will not, be collected.

The question was then taken that the House do agree to the amendment proposed by the Committee of the Whole for filling up the blank for the amount of duty "on every gallon of spirits of the first class of proof, distilled within the United States from materials of the growth or produce of the United States," with "eight cents," and it passed in the negative—yeas 26, nays 27, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, James Hillhouse, Aaron Kitchell, John Laurance, Amasa Learned, Richard Bland Lee, Jeremiah Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tredwell, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Andrew Gregg, Wm. Barry Grove, Daniel Heister, Daniel Huger, Israel Jacobs, Philip Key, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Joshua Seney, Upton Sheridine, Israel Smith, John Steele, Thomas

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Sumpter, Thomas Tudor Tucker, Alexander White, Hugh Williamson, and Francis Willis.

Resolved, That the said blank be filled up with the words "seven cents."

Ordered, That the farther consideration of the said bill be postponed until to-morrow.

TUESDAY, May 1.

The House proceeded to consider the amendments reported by the Committee of the Whole House yesterday to the bill relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage; and, the same being read, were agreed to; and then the said bill, being further amended, was, together with the amendments, ordered to be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to authorize the remission of certain duties; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-day.

On a motion made and seconded,

Resolved, That a joint committee of both Houses be directed to wait on the President of the United States, to request that he would recommend to the people of the United States a day of public humiliation and prayer to be observed, by supplicating Almighty God for the safety, peace, and welfare of these States.

Ordered, That Mr. BOUDINOT, Mr. PAGE, and Mr. SYLVESTER, be appointed of the said joint committee on the part of this House.

The House proceeded to consider the bill sent from the Senate entitled "An act for the relief of persons imprisoned for debt;" and, the same being amended, was, together with the amendments, ordered to be now read the third time.

The said bill, with the amendments, was accordingly read the third time and passed.

The House proceeded to the further consideration of the bill concerning the duties on spirits distilled within the United States; and, the same being further amended, was, together with the said amendments, ordered to be engrossed and read the third time to-morrow.

An engrossed bill to authorize the remission of certain duties was read the third time and passed.

The House resolved itself into a Committee of the Whole House on the bill to confirm an award of referees between the United States and certain contractors for furnishing supplies of provisions to the Army during the late war; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read and agreed to by the House.

Ordered, That the said bill, together with the amendment, be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee

to whom was referred the report of the Secretary of the Treasury on the petitions of the Commissioners of Loans of New Hampshire and Rhode Island; and, after some time spent therein, the Committee reported progress, and had leave to sit again.

WEDNESDAY, May 2.

An engrossed bill concerning the duties on spirits distilled within the United States was read the third time and passed.

A message from the Senate informed the House that the Senate have appointed a committee, jointly, with such committee as this House shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress.

An engrossed bill to confirm an award of referees between the United States and certain contractors for furnishing supplies of provisions to the Army during the late war was read the third time; and, on the question that the said bill do pass, it passed in the negative—yeas 25, nays 27, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Benjamin Goodhue, James Gordon, James Hillhouse, John Laurance, Amasa Learned, Samuel Livermore, John Page, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, Jonathan Dayton, William B. Giles, Nicholas Gilman, Andrew Gregg, William Barry Grove, Daniel Heister, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Josiah Parker, Joshua Seney, Upton Sheridine, John Steele, Thomas Sumpter, Abraham Venable, Alexander White, and Hugh Williamson.

And so the bill was rejected.

The House resolved itself into a Committee of the Whole House on the "bill supplementary to the act making provision for the Debt of the United States;" and, after some spent therein, the Committee rose, reported and progress.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to authorize the grant and conveyance of certain lands to John Cleves Symmes and his associates," with several amendments, to which they desire the concurrence of this House. They also agree to some and disagree to others of the amendments proposed by this House to the bill which originated in the Senate entitled "An act for the relief of persons imprisoned for debt;" and they agree to some and disagree to others of the amendments proposed by this House to the bill which originated in the Senate entitled "An act regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

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THURSDAY, May 3.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act authorizing the grant and conveyance of certain land to John Cleves Symmes and his associates; and, the same being read, were agreed to.

The House proceeded to reconsider their amendments, disagreed to by the Senate, to the bill sent from the Senate entitled "An act for the relief of persons imprisoned for debt." Whereupon,

Resolved, That this House doth recede from the said amendments.

The House proceeded to reconsider their amendments, disagreed to by the Senate, to the bill sent from the Senate entitled "An act for regulating processes in the Courts of the United States, and providing compensations to the officers of the said courts, and for jurors and witnesses." Whereupon,

Resolved, That this House doth agree to the amendment proposed by the Senate to their first amendment to the second section.

Resolved, That this House doth recede from their third amendment to the third section; also, from the second section proposed to be added to the end of the bill.

Resolved, That this House doth insist on their second amendment to the second section; on their fourth amendment to the third section; on their second amendment to the fourth section; also, on the fourth and fifth sections proposed to be added to the end of the bill.

Resolved, That a conference be desired with the Senate on the subject-matter of the amendments insisted on; and that Mr. MADISON, Mr. LAURANCE, and Mr. CLARK, be appointed managers at the said conference on the part of this House.

On the question that the House doth recede from their second amendment to the second section, for striking out the words "and be at liberty to pursue the same, until a tender of the debt and costs in gold and silver be made," it passed in the negative—yeas 18, nays 38, as follows:

YEAS.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Amasa Learned, William Vans Murray, Jeremiah Smith, William Smith, John Steeles, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Benjamin Bourne, John Brown, Abraham Clark, Jonathan Dayton, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, John Laurance, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridane, Israel Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Hugh Williamson.

A message from the Senate informed the House that the Senate have resolved that the bill sent

from this House entitled "An act to authorize the remission of certain duties" do not pass to the third reading.

The House again resolved itself into a Committee of the Whole House on the bill supplementary to the act making provision for the Debt of the United States; and, after some time spent therein, the Committee rose, reported progress, and obtained leave to sit again.

A message from the Senate informed the House that the Senate agree to the conference proposed by this House on the subject-matter of the amendments depending between the two Houses to the bill sent from the Senate entitled "An act for regulating processes in the Courts of the United States, and providing compensations to the officers of the said courts, and for jurors and witnesses," and have appointed managers at the said conference on their part. The Senate have also passed a bill entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids;" to which they desire the concurrence of this House.

FRIDAY, May 4.

The bill sent from the Senate entitled "An act to continue in force the act therein mentioned, and to make provision for the payment of pensions to invalids," was read three times and passed.

Mr. WILLIAMSON, from the committee appointed, presented a bill for the protection of the river and bay fisheries; which was received and read the first time.

The House proceeded to consider the report of the committee to whom was referred the petition of John Brown Cutting: Whereupon,

Resolved, That, in consideration of certain expenditures on behalf of the United States, made by John Brown Cutting, in the year one thousand seven hundred and ninety, there be advanced and paid to the said John Brown Cutting the sum of two thousand dollars, out of any money not otherwise appropriated; and that the Secretary of State be authorized to inquire into the entire claim of the said John Brown Cutting against the United States; and, upon receipt of the proofs and exhibits in support thereof, to ascertain what sum shall thereupon appear to be due to or from him, in account with the United States, including the advance hereby directed, and to report the same to the next session of Congress.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FITZSIMONS, Mr. LAURANCE, and Mr. GOODHUE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill for settling the demands of Anthony Walton White against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

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Mr. FITZSIMONS, from the committee appointed, presented a bill concerning the claim of John Brown Cutting against the United States; which was received, and read twice and committed.

The SPEAKER laid before the House a Letter and Report from the Secretary of War on the petition of Richard Henly Courts; which was read, and ordered to lie on the table.

Resolved, That the resolution of the twenty-fourth ultimo authorizing the PRESIDENT of the Senate and SPEAKER of the House of Representatives to close the present session by adjourning their respective Houses on the 5th of May be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the 10th of May instant, to meet again on such day as shall by law be appointed.

Ordered, That the Committee of the Whole House be discharged from further proceeding on the report of the committee to whom was referred the report of the Secretary of the Treasury on the petitions of the Commissioners of Loans of New Hampshire and Rhode Island; and that Mr. BOURNE, of Rhode Island, Mr. GRIFFIN, and Mr. ASHE, be appointed to prepare and bring in a bill or bills to provide for the payment of the hire of clerks, and for stationery in the offices of the several Commissioners of Loans.

The House again resolved itself into a Committee of the Whole House on the bill supplementary to the act making provision for the Debt of the United States; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally read and agreed to.

Ordered, That the further consideration of the said bill be postponed until to-morrow.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act concerning the duties on spirits distilled within the United States," with several amendments; to which they desire the concurrence of this House. They also agree to the amendment proposed by this House to the bill sent from the Senate entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids." The Senate have also passed the bill entitled "An act relative to the compensations to the officers employed in the collection of the duties of impost and tonnage," with several amendments; to which they desire the concurrence of this House. They have also agreed to the resolution of this House respecting the adjournment of the two Houses of Congress, with an amendment; to which they also desire the concurrence of this House.

The House proceeded to consider the amendment proposed by the Senate to the resolution last mentioned; and, the same being read, was agreed to, as follows: Strike out "Thursday, the 10th instant," and insert "Tuesday, the 8th instant."

SATURDAY, May 5.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled

"An act concerning the duties on spirits distilled within the United States;" and the same being twice read, was agreed to.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act relative to the compensations to the officers employed in the collection of the duties on imposts and tonnage; and the same being twice read, were agreed to.

Mr. MADISON, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill which originated in the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors, and witnesses;" reported that the managers had met the managers on the part of the Senate, in the conference chamber, and fully discussed the subject referred to them, and had agreed that it would be proper, on the part of this House, to recede from the fourth amendment to the third section, as also from the second amendment to the fourth section; but that, on the subject-matter of all the other amendments, the managers of the two Houses had not come to any agreement. *Ordered*, That the consideration of the said report be postponed until Monday next.

An engrossed bill for settling the demands of Anthony Walton White against the United States was read the third time; and, on the question that the same do pass—it was resolved in the affirmative—yeas 30, nays 23, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, James Gordon, Andrew Gregg, Samuel Griffin, Daniel Huger, Aaron Kitchell, John Laurance, Richard Bland Lee, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, Thomas Tudor Tucker, John Vining, Artemas Ward, and Francis Willis.

NAYS.—Fisher Ames, John Baptist Ashe, Shearjashub Bourne, Elbridge Gerry, William B. Giles, Benjamin Goodhue, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Nathaniel Macon, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, Alexander White, and Hugh Williamson.

THE PUBLIC DEBT.

The bill supplementary to the act making provision for the Debt of the United States, was further discussed.

A motion was made and seconded further to amend the said bill by inserting, after the third section, the following clause, to wit:

"And be it further enacted, That a farther loan, to the amount of ——— dollars, be proposed, and subscriptions thereto be received, at the same times and places, and by the same persons, as hereinbefore mentioned, and that the sums which shall be subscribed to the said loan, shall be payable in the debts of the States hereinafter mentioned, and in the proportions following:"

Mr. GERRY observed, that when this question was last under consideration, he had followed gentlemen who were opposed to it in their arguments through the extensive field of the constitutionality, policy, and equity of the measure, and that he now should confine himself to the statement of some facts and a few observations thereon.

It appears by official reports, that the unassumed debts of the several States, are as follows:

Of New Hampshire	-	-	\$42,501
Massachusetts	-	-	1,838,540
Rhode Island	-	-	349,259
Connecticut	-	-	313,766
New York	-	-	23,878
New Jersey	-	-	7,351
Virginia	-	-	225,128
South Carolina	-	-	1,965,756
Georgia	-	-	400,000
Total	-	-	<u>5,166,177</u>

It also appears that the following *fictitious* debts have been assumed, viz:

For Pennsylvania	-	-	\$1,024,898
Delaware	-	-	146,694
Maryland	-	-	70,774
North Carolina	-	-	20,452
Total	-	-	<u>1,262,818</u>

From this statement it is manifest, that whilst several of the States are exonerated of the debts contracted for the support of the war, and others have but a small proportion of them unassumed, the States of South Carolina and Massachusetts are pressed with a heavy debt of nearly two millions of dollars each. This is a grievance that requires immediate redress, and should Congress rise without providing it, they would forfeit that confidence in their generosity, honor, and justice, which had been ever entertained by the citizens of Massachusetts. No gentleman could deny, that the exertions of that State in support of the Independence of the United States, had equalled those of any other State in the Union; the documents would prove that Massachusetts had not been exceeded by any of her sister States in the amount of her advances, or in the economy of her expenditures; and her exertions to sink the debt, which commenced with the debt itself, were finally so great as to have produced convulsions in the State.

The unassumed debt of that State, from the best information which he could obtain, was in the hands of the substantial yeomanry thereof, who, having never speculated in the funds, were original holders. Most of these, either by art, or by accident, had been misinformed relative to the time for receiving subscriptions to the loan, and had thus been prevented from having a part of their debts assumed. It will be, therefore, peculiarly hard, whilst Congress are calling on this class of citizens for their proportion of contributions to pay the debts due to others, that no provision is made for the payment of their just demand; and the case is aggravated, when it is considered

that their contributions are not confined to real, but are extended to fictitious debts, and that whilst they are unjustly required to pay interest on the latter, their just claims are rejected for interest on the former. It is still more grievous, when it is considered that whilst Government refuse to reimburse the sums advanced by Massachusetts for the defence of her sister States, ten or fifteen years past, she is called on for large sums to defend their frontiers against savage incursions. What must be the feelings of the citizens of Massachusetts, when they are informed, that Pennsylvania, whose frontiers are now invaded, and who is receiving the interest of an imaginary debt of about a million of dollars, is calling on them for supplies to carry on the war, and at the same time refuses to discharge their advances for her defence, during the late war? Indeed, some of the members of this State have been always liberal on the question of assumption, and have uniformly supported it, but others have opposed it, and the votes of the former have been rendered ineffectual by those of the latter. Under such circumstances, would not the members of South Carolina and Massachusetts have been justified in refusing aids for support of the Indian war, and in defeating this measure, by joining in the opposition to it? Would they not have been warranted in thus compelling Pennsylvania to have defended herself by her own resources, and to have exhibited her claims for supporting this war, to be adjusted with those of other States for supporting the Revolution? True it is, that in such an event, many of the innocent citizens of the Western frontiers would have fallen a sacrifice, and some of their own Representatives would have been chargeable for the consequence; but so far were the members of South Carolina, Massachusetts, and other creditor States, from adopting such policy, that they have advocated the measures for defending the Western frontiers, and are now to be sent home in disgrace to their constituents, for having spent a great part of the session in pursuing measures to promote the welfare of those States, who have had no disposition to do justice to the creditor States. Could he have foreseen such an event, he would not have taken his seat in the House this session; but he still hoped, as it was well known and ascertained beyond a doubt, that Massachusetts would have a claim against the United States, far exceeding the sum proposed to be assumed for her, that the House would consider the subject in a candid manner; that the members would divest themselves of local considerations, and that they would adopt measures consistent with liberality and justice. Indeed, it was for the interest even of the debtor States to assume the debts, because, when the accounts are liquidated, the debts due to the creditor States will not be due from the Union, but from the debtor States; and if the Union is to be taxed for those debts, the creditor States will be obliged to contribute to the reimbursement of advances, which they have made for the other States. This cannot be done consistently with justice, and will therefore be a source of great uneasiness and embarrassment to Government: whereas, if the debts of the citizens of the

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States are now assumed, and the claims of the States are thus diminished, the cause of the embarrassment will in a great measure be prevented. He hoped, therefore, the motion would be adopted, and that the residue of the State debts would be now assumed.

The previous question was then demanded by five members, to wit: "Shall the main question to agree to the said motion be now put?" And on the question, "Shall the main question be now put?"—It passed in the negative—yeas 24, nays 35, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, James Gordon, Daniel Huger, John Laurance, Amasa Learned, William Vans Murray, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, John Brown, Abraham Clark, Jonathan Dayton, William Findley, William B. Giles, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Jonathan Sturges, Thomas Tredwell, Abraham Venable, Alexander White, and Francis Willis

And so the said motion was lost.

The said bill was then further amended, and together with the amendments, ordered to be engrossed, and read the third time on Monday next.

A message from the Senate informed the House, that the Senate have deferred, until the next session of Congress, the consideration of the bill sent from this House, entitled "An act authorizing the settlement of the demands of Anthony Walton White against the United States." The Senate have also passed the bill, entitled "An act regulating foreign coins, and for other purposes," to which they desire the concurrence of this House. They have appointed a committee jointly, with such committee as this House shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress.

MONDAY, May 7.

An engrossed bill supplementary to the act making provision for the Debt of the United States was read the third time.

The bill sent from the Senate, entitled "An act regulating foreign coins, and for other purposes," was read twice and committed.

Mr. BOURNE, of Rhode Island, from the committee appointed, presented a bill for making compensations to the Commissioners of Loans for extraordinary expenses; which was received and read twice, and ordered to be engrossed and read the third time to-day.

Ordered, That Mr. SENEY, Mr. GILMAN, and

Mr. GROVE, be appointed a committee on the part of this House jointly with the committee appointed on the part of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress.

The House resolved itself into a Committee of the Whole House on the bill concerning the claim of John Brown Cutting against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read a third time to-day.

An engrossed bill for making compensations to the Commissioners of Loans for extraordinary expenses, was read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act making alterations in the Treasury and War Departments;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House. The said bill, together with the amendments thereto, was then read the third time and passed.

An engrossed bill concerning the claim of John Brown Cutting against the United States, was read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 23, nays 22, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, James Gordon, Samuel Griffin, Daniel Heister, Daniel Huger, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, Frederick Augustus Muhlenberg, William Vans Murray, John Page, William Smith, John Steele, Samuel Sterrett, and Thomas Tudor Tucker.

NAYS.—John Baptist Ashe, Abraham Baldwin, Shearjashub Bourne, John Brown, William B. Giles, Benjamin Goodhue, Philip Key, Aaron Kitchell, Nathaniel Macon, Andrew Moore, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, Jonathan Sturges, Thomas Sumpter, Peter Sylvester, George Thatcher, Thomas Tredwell, Abraham Venable, Artemas Ward, Alexander White, and Hugh Williamson.

Mr. SENEY, from the committee appointed on the part of this House, jointly, with the committee of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress, reported that the committee had performed that duty.

Mr. LEE, from the committee to whom was committed the report on the memorials of Joseph Ceracchi, made a report; which was twice read, and agreed to by the House, as follows:

"It appears to your committee, that Mr. Ceracchi is an artist of great reputation in Europe, a gentleman of respectable character, and has been actuated by the most honorable motives in offering to dedicate his genius and labors in the service to the United States. It appears, however, to your committee, that, at the present time, it might not be expedient to go into the expenses which

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the monument voted by Congress on the 7th day of August, 1783, would require, especially with the additional ornaments proposed by the artist."

The House proceeded to consider the report of the managers appointed on the part of this House to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses." Whereupon, the second amendment to the second section, for striking out the words following :

"And be at liberty to pursue the same until a tender of the debt and costs in gold or silver shall be made,"

being read, and the question put that this House do adhere to the said amendment, it was resolved in the affirmative—yeas 30, nays 17, as follows :

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Israel Smith, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Jas. Hillhouse, Amasa Learned, William Vans Murray, Jeremiah Smith, William Smith, John Steele, Jonathan Sturges, Peter Sylvester, and Artemas Ward.

Resolved, That this House doth adhere to their disagreement to the amendment of the Senate to the fourth section proposed to be added to the said bill, and doth recede from all the other amendments disagreed to by the Senate.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act for making compensations to the Commissioners of Loans for extraordinary expenses;" and also the bill entitled "An act supplementary to the act making provision for the Debt of the United States.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act regulating foreign coins, and for other purposes;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

The said bill was then amended; and, together with the amendments, ordered to be now read the third time.

The said bill, with the amendments, was accordingly read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill making certain appropriations therein specified; and, after some time spent therein, the Chairman reported that

the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate agree to the amendments proposed by this House to the bill sent from the Senate entitled "An act making alterations in the Treasury and War Departments," with an amendment, to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being twice read, was agreed to.

TUESDAY, May 8.

An engrossed bill making certain appropriations therein specified, was read the third time, and passed.

A message from the Senate informed the House, that the Senate recede from their disagreement to the amendment to which this House hath adhered, to the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to compensate the services of the late Colonel George Gibson;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his Report on the petition of Simon W. Wilson; which was read, and ordered to lie on the table.

Mr. GROVE, from the committee to whom was referred the petition of Henry Emanuel Lutterloh, made a report; which was read, and ordered to lie on the table.

Mr. WILLIAMSON, from the committee to whom was referred the petition of sundry inhabitants of the State of North Carolina, made a report; which was read and agreed to by the House, as follows:

"The committee to whom was referred the petition of sundry inhabitants of the State of North Carolina, praying that Congress would authorize the Legislature of that State to impose a duty of tonnage, for deepening the channel across the Swash and Bar in Pamlico Sound and Croatan, report:

"That the Legislatures of the States of Rhode Island, Maryland, and Georgia, have severally passed laws for removing obstructions or deepening rivers or harbors, to which laws the United States in Congress have given their assent: wherefore, the committee are of the opinion, that when the Legislature of the State of North Carolina shall have passed a law imposing a duty of tonnage for the improvement of their navigation, it may be proper for Congress to consider whether such law shall have the proposed operation."

On a motion made and seconded,

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Resolved, That the Secretary of the Treasury report to this House, as early in the next session as may be practicable, the number and capacity of the stills in the respective districts and States, the net product of revenue of the respective districts and States, particularizing the drawbacks, and distinguishing foreign from American materials, and the product paid by the gallon, month, or year; also, the number of officers and the amount of their salaries.

On motion,

Resolved, That the Secretary of the Treasury cause to be provided for the use of the several Collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods which have been found to answer for obtaining fresh from salt water, and of constructing ex tempore stills, of such implements as are generally on board every vessel, with a recommendation, in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

The House resolved itself into a Committee of the Whole House, on the bill respecting the government of the Territories of the United States, Northwest and South of the river Ohio; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, together with the amendment, be engrossed, and read the third time to-day.

Mr. FITZSIMONS, from the committee appointed

to inquire into the causes of the failure of the late expedition under Major General St. Clair, made a report; which was read. Whereupon,

Resolved, That this House will, early in the next session, proceed to take the said report into consideration.

An engrossed bill respecting the government of the Territories of the United States Northwest and South of the river Ohio was read the third time, and passed.

A message from the Senate informed the House, that the Senate agree to the resolution of this House, directing printed clearances of a particular form, to be furnished to the several Collectors in the United States. They have passed the bill, entitled "An act making certain appropriations therein specified," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment; and the same being twice read, was agreed to.

Ordered, That the Clerk of this House do procure such of the statutes of the several States as may not be in his office; and that the expense thereof be defrayed out of the money that is, or may by law be appropriated to defray the contingent expenses of this House.

A message was received from the Senate, notifying the House that the Senate, having completed the Legislative business before them, are now about to adjourn. Whereupon,

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now about to adjourn until the first Monday in November next, and that the Clerk of this House do go with the said message.

The Clerk accordingly went with the said message; and, being returned,

The SPEAKER adjourned the House, to meet on the first Monday in November next.



PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, NOVEMBER 5, 1792.

MONDAY, November 5, 1792.

This being the day fixed by law for the annual meeting of the second session of the second Congress, the following Senators appeared, and took their seats :

JOHN LANGDON and PAINE WINGATE, from New Hampshire ;

CALEB STRONG and GEORGE CABOT, from Massachusetts ;

THEODORE FOSTER, from Rhode Island ;

OLIVER ELLSWORTH and ROGER SHERMAN, from Connecticut ;

STEPHEN R. BRADLEY and MOSES ROBINSON, from Vermont ;

RUFUS KING, from New York ;

PHILEMON DICKINSON and JOHN RUTHERFURD, from New Jersey ;

GEORGE READ, from Delaware ;

JAMES MONROE, from Virginia ;

JOHN BROWN and JOHN EDWARDS, from Kentucky ;

BENJAMIN HAWKINS, from North Carolina ;

PIERCE BUTLER and RALPH IZARD, from South Carolina ; and

WILLIAM FEW, from Georgia.

In the absence of the VICE PRESIDENT, and also of RICHARD HENRY LEE, elected President *pro tempore* at a former session, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides, and JOHN LANGDON was duly elected.

JOHN BROWN and JOHN EDWARDS, from the State of Kentucky, respectively, produced their credentials ; and the oath required by law was, by the PRESIDENT *pro tempore*, administered to them.

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

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and ready to proceed to business.

A second message informed the Senate that the House of Representatives have resolved that a committee be appointed, jointly with such committee as the Senate shall appoint, to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications he may

please to make to them ; in which resolution they desire the concurrence of the Senate.

Resolved, That the Senate concur in the appointment of a joint committee to wait on the PRESIDENT OF THE UNITED STATES, agreeably to the resolution of the House of Representatives, and that Messrs. IZARD and STRONG be the committee on the part of the Senate.

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

The Senate proceeded to consider the said resolution ; and

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

A message from the House of Representatives informed the Senate that the House of Representatives have proceeded to the election of a Chaplain to Congress for the present session, and have appointed the Rev. Doctor GREEN on their part.

Mr. IZARD, from the joint committee appointed to wait on the PRESIDENT OF THE UNITED STATES, agreeably to the resolution of the two Houses of this day, reported,

That they had executed the business, and that the PRESIDENT OF THE UNITED STATES proposed to meet the two Houses of Congress in the Senate Chamber to-morrow at 11 o'clock.

TUESDAY, November 6.

ROBERT MORRIS, from the State of Pennsylvania, attended, and took his seat.

Ordered, That the Secretary acquaint the House of Representatives that the Senate are ready to meet them in the Senate Chamber, to receive any communications the PRESIDENT OF THE UNITED STATES may be pleased to make to the two Houses of Congress, and that the usual seats will be assigned to them.

The House of Representatives having accordingly taken their seats, the PRESIDENT OF THE UNITED STATES came into the Senate Chamber, and addressed both Houses of Congress, as follows :

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*Fellow-citizens of the Senate, and
of the House of Representatives :*

It is some abatement of the satisfaction with which I meet you on the present occasion, that, in felicitating you on a continuance of the national prosperity, generally, I am not able to add to it information that the Indian hostilities, which have, for some time past, distressed our northwestern frontier, have terminated.

You will, I am persuaded, learn with no less concern than I communicate it, that reiterated endeavors, towards effecting a pacification, have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquility to the frontier; to stop the further effusion of blood; to arrest the progress of expense; to forward the prevalent wish of the nation for peace, has led to strenuous efforts, through various channels, to accomplish these desirable purposes; in making which efforts, I consulted less my own anticipations of the event, or the scruples which some considerations were calculated to inspire, than the wish to find the object attainable; or, if not attainable, to ascertain unequivocally that such is the case.

A detail of the measures which have been pursued, and of their consequences, which will be laid before you, while it will confirm to you the want of success, thus far, will, I trust, evince that means as proper and as efficacious as could have been devised have been employed. The issue of some of them, indeed, is still depending; but a favorable one, though not to be despaired of, is not promised by any thing that has yet happened.

In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction commonly respected even among savages has been found, in this instance, insufficient to protect from massacre the emissaries of peace: it will, I presume, be duly considered whether the occasion does not call for an exercise of liberality towards the families of the deceased.

It must add to your concern to be informed, that, besides the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have of late been revived among some of those south of it.

A part of the Cherokees, known by the name of hickamagas, inhabiting five villages on the Tennessee river, have long been in the practice of committing depredations on the neighboring settlements.

It was hoped that the treaty of Holston, made with the Cherokee nation in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickamagas, aided by some banditti of another tribe, in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter. The information which has been received on this subject will be laid before you. Hitherto, defensive precautions only have been strictly enjoined and observed.

It is not understood that any breach of treaty, or aggression whatsoever, on the part of the United States, or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

I have reason to believe that every practicable exertion has been made (pursuant to the provision by law for that purpose) to be prepared for the alternative of a prosecution of the war, in the event of a failure of pacific overtures. A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete. And pains have been taken

to discipline and put them in condition for the particular kind of service to be performed. A delay of operations (besides being dictated by the measures which were pursuing towards a pacific termination of the war) has been in itself deemed preferable to immature efforts. A statement, from the proper Department, with regard to the number of troops raised, and some other points which have been suggested, will afford more precise information, as a guide to the Legislative consultations; and, among other things, will enable Congress to judge whether some additional stimulus to the recruiting service may not be advisable.

In looking forward to the future expense of the operations which may be found inevitable, I derive consolation from the information I receive, that the product of the revenues for the present year is likely to supercede the necessity of additional burdens on the community for the service of the ensuing year. This, however, will be better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no material extension of the spirit of hostility.

I cannot dismiss the subject of Indian affairs without again recommending to your consideration the expediency of more adequate provision for giving energy to the laws throughout our interior frontier, and for restraining the commission of outrages upon the Indians; without which all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them as agents, would also contribute to the preservation of peace and good neighborhood. If, in addition to these expedients, an eligible plan could be devised for promoting civilization among the friendly tribes, and for carrying on trade with them, upon a scale equal to their wants, and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interest with ours, could not but be considerable.

The prosperous state of our revenue has been intimated. This would be still more the case were it not for the impediments which, in some places, continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening, in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and, under this impression, have issued a Proclamation, warning against all unlawful combinations and proceedings, having for their object or tending to obstruct the law in question, and announcing that all lawful ways and means would be strictly put in execution for bringing to justice the infractors thereof, and securing obedience thereto.

Measures have also been taken for the prosecution of offenders; and Congress may be assured that nothing within constitutional and legal limits, which may depend upon me, shall be wanting to assert and maintain the just authority of the laws. In fulfilling this trust, I shall count entirely upon the full co-operation of the other Departments of the Government, and upon the zealous support of all good citizens.

I cannot forbear to bring again into the view of the Legislature the subject of a revision of the Judiciary system. A representation from the Judges of the Supreme Court, which will be laid before you, points out some of the inconveniences that are experienced. In

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the course of the execution of the laws, considerations arise out of the structure of that system, which, in some cases, tend to relax their efficacy. As connected with this subject, provisions to facilitate the taking of bail upon processes out of the Courts of the United States, and a supplementary definition of offences against the Constitution and laws of the Union, and of the punishment for such offences, will, it is presumed, be found worthy of particular attention.

Observations on the value of peace with other nations are unnecessary. It would be wise, however, by timely provisions to guard against those acts of our own citizens, which might tend to disturb it, and to put ourselves in a condition to give that satisfaction to foreign nations which we may sometimes have occasion to require from them. I particularly recommend to your consideration the means of preventing those aggressions by our citizens on the territory of other nations, and other infractions of the law of nations, which, furnishing just subject of complaint, might endanger our peace with them, and, in general, the maintenance of a friendly intercourse with foreign Powers will be presented to your attention by the expiration of the law for that purpose, which takes place, if not renewed, at the close of the present session.

In execution of the authority given by the Legislature, measures have been taken for engaging some artists from abroad to aid in the establishment of our Mint; others have been employed at home. Provision has been made of the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of half-dimes; the want of small coins in circulation calling the first attention to them.

The regulation of foreign coins, in correspondence with the principles of our national coinage, as being essential to their due operation, and to order in our money concerns, will, I doubt not, be resumed and completed.

It is represented that some provisions in the law which establishes the Post Office, operate, in experiment, against the transmission of newspapers to distant parts of the country. Should this, upon due inquiry, be found to be the fact, a full conviction of the importance of facilitating the circulation of political intelligence and information will, I doubt not, lead to the application of a remedy.

The adoption of a Constitution for the State of Kentucky has been notified to me. The Legislature will share with me in the satisfaction which arises from an event interesting to the happiness of the part of the nation to which it relates, and conducive to the general order.

It is proper likewise to inform you, that, since my last communication on the subject, and in further execution of the acts severally making provision for the Public Debt, and for the reduction thereof, three new loans have been effected, each for three millions of florins; one at Antwerp, at the annual interest of four and one-half per cent., with an allowance of four per cent., in lieu of all charges; and the other two at Amsterdam, at the annual interest of four per cent., with an allowance of five and one-half per cent. in one case, and of five per cent. in the other, in lieu of all charges. The rates of these loans, and the circumstances under which they have been made, are confirmations of the high state of our credit abroad.

Among the objects to which these funds have been directed to be applied, the payment of the debts due to certain foreign officers, according to the provision made during the last session, has been embraced.

Gentlemen of the House of Representatives:

I entertain a strong hope that the state of our national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement for the regular redemption and discharge of the Public Debt, according to the right which has been reserved to the Government; no measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiment and wish of the nation.

Provision is likewise requisite for the reimbursement of the loan which has been made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated; in fulfilling the public stipulations in this particular, it is expected a valuable saving will be made.

Appropriations for the current service of the ensuing year, and for such extraordinaries as may require provision, will demand, and I doubt not will engage, your early attention.

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

I content myself with recalling your attention, generally, to such objects, not particularized in my present, as have been suggested in my former communications to you.

Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular attention.

The results of your common deliberations hitherto, will, I trust, be productive of solid and durable advantages to our constituents; such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of Government upon which, under Divine Providence, materially depend their union, their safety, and their happiness.

Still further to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency, than the careful cultivation of harmony, combined with a due regard to stability in the public councils.

G. WASHINGTON.

UNITED STATES, November 6, 1792.

The PRESIDENT OF THE UNITED STATES having retired, and the two Houses being separated,

Ordered, That Messrs. STRONG, KING, and RUTHERFURD, be a committee to prepare and report the draft of an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech this day, to both Houses of Congress convened in the Senate Chamber.

Ordered, That the Speech of the PRESIDENT OF THE UNITED STATES, delivered this day, be printed for the use of the Senate.

The petition of a number of the merchants of the city of Charleston was presented and read, praying that a law may be passed, restraining and altering the proceedings, and reducing the fees of the Court of Admiralty.

Ordered, That this petition lie on the table.

Ordered, That the Secretary furnish the members of the Senate, from such printers as they may respectively direct, each, three newspapers, to be left from time to time, during the session, at their several places of abode.

SENATE.]

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[NOVEMBER, 1792.

WEDNESDAY, November 7.

The PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his accounts made up to the 30th of September, 1792; which were read.

Ordered, That they lie on the table.

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

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

In pursuance of the law, I now lay before you a statement of the administration of the funds appropriated to certain foreign purposes, together with a Letter from the Secretary of State, explaining the same.

I also lay before you a copy of a Letter and representation from the Chief Justice and Associate Judges of the Supreme Court of the United States, stating the difficulties and inconveniences which attend the discharge of their duties, according to the present Judiciary system.

A copy of a Letter from the Judges attending the Circuit Court of the United States for the North Carolina district, in June last, containing their observations on an act passed during the last session of Congress, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions;" and

A copy of the Constitution formed for the State of Kentucky.

G. WASHINGTON.

UNITED STATES, November 7, 1792.

The Message and papers therein referred to were read.

Ordered, That they lie for consideration.

Mr. STRONG, from the committee appointed for that purpose, reported an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; which was read.

Ordered, That to-morrow be assigned to take this report into consideration.

The PRESIDENT laid before the Senate a Letter from the Secretary for the Department of War, on the subject of Indian affairs, with sundry papers therein mentioned.

The Letter was read, and the papers were in part read; and, after progress, the further reading thereof was postponed.

THURSDAY, November 8.

JOHN HENRY, from the State of Maryland, attended, and took his seat.

The PRESIDENT laid before the Senate a Letter from the Secretary of War, communicating the information of a Treaty of Peace having been recently concluded by General Putnam between the United States and certain tribes of Western Indians, together with sundry papers; which were read.

Ordered, That they lie on the table.

Agreeably to the order of the day, the Senate took into consideration the Address reported by the committee to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; which, being recommitted and amendments reported, was agreed to, as amended.

Ordered, That the same committee 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. STRONG, from the above-mentioned committee, reported that the PRESIDENT OF THE UNITED STATES proposed to receive the Address of the Senate at 11 o'clock to-morrow.

The reading of the papers communicated on the 7th of November, from the Secretary of War, was resumed, and, after progress, postponed.

FRIDAY, November 9.

The Senate waited on the PRESIDENT OF THE UNITED STATES at his own house, and the PRESIDENT *pro tempore*, in their name, communicated to him the Address agreed to on the 8th instant, which is as follows:

To the President of the United States:

Accept, sir, our grateful acknowledgments for your Address at the opening of the present session. We participate with you in the satisfaction arising from the continuance of the general prosperity of the nation, but it is not without the most sincere concern that we are informed that the reiterated efforts which have been made to establish peace with the hostile Indians, have hitherto failed to accomplish that desired object. Hoping that the measures still depending may prove more successful than those which have preceded them, we shall nevertheless concur in every necessary preparation for the alternative; and, should the Indians on either side of the Ohio persist in their hostilities, fidelity to the Union, as well as affection to our fellow-citizens on the frontiers, will insure our decided co-operation in every measure which shall be deemed requisite for their protection and safety.

At the same time that we avow the obligation of the Government to afford its protection to every part of the Union, we cannot refrain from expressing our regret that even a small portion of our fellow-citizens in any quarter of it should have combined to oppose the operation of the law for the collection of duties on spirits distilled within the United States; a law repeatedly sanctioned by the authority of the nation, and, at this juncture, materially connected with the safety and protection of those who oppose it. Should the means already adopted fail in securing obedience to this law, such further measures as may be thought necessary to carry the same into complete operation cannot fail to receive the approbation of the Legislature, and the support of every patriotic citizen.

It yields us particular pleasure to learn, that the productiveness of the revenue of the present year will probably supercede the necessity of any additional tax for the service of the next.

The organization of the government of the State of Kentucky being an event peculiarly interesting to a part of our fellow-citizens, and conducive to the general order, affords us particular satisfaction.

We are happy to learn that the high state of our credit abroad has been evinced by the terms on which the new loans have been negotiated.

In the course of the session we shall proceed to take into consideration the several objects which you have been pleased to recommend to our attention; and, keep-

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ing in view the importance of union and stability in the public councils, we shall labor to render our decisions conducive to the safety and happiness of our country.

We repeat with pleasure our assurances of confidence in your Administration, and our ardent wish that your unabated zeal for the public good may be rewarded by the durable prosperity of the nation, and every ingredient of personal happiness.

JOHN LANGDON,
President pro tempore.

To this Address, the PRESIDENT OF THE UNITED STATES was pleased to make the following reply:

I derive much pleasure, gentlemen, from your very satisfactory Address. The renewed assurances of your confidence in my Administration, and the expression of your wish for my personal happiness, claim and receive my particular acknowledgments. In my future endeavor for the public welfare, to which my duty may call me, I shall not cease to count upon the firm, enlightened, and patriotic support of the Senate.

G. WASHINGTON.

The Senate returned to their Chamber.

The Senate proceeded to class the Senators from the State of Kentucky, as the Constitution requires, when numbers two and three being by the Secretary, rolled up and put into the ballot-box, Mr. BROWN drew number two, and is accordingly of the class whose seats will be vacated in Senate at the expiration of two years from March, 1791. Mr. EDWARDS drew number three, and is accordingly of the class whose seats in Senate will be vacated at the expiration of four years from March, 1791.

Ordered, That MESSRS. RUTHERFURD, SHERMAN, and WINGATE, be a committee to report a bill, authorizing the settlement of the demands of Anthony Walton White against the United States.

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

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

I now lay before you a Letter from the Secretary of State, covering the copy of one from the Governor of Virginia, with the several papers therein referred to, on the subject of the boundary between that State and the Territory of the United States south of the Ohio. It will remain with the Legislature to take such measures as it shall think best, for settling the said boundary with that State, and, at the same time, if it thinks proper, for extending the settlement to the State of Kentucky, between which and the same Territory the boundary is as yet undetermined.

G. WASHINGTON.

UNITED STATES, November 9, 1792.

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

The petition of Richard O'Brien and others, American citizens, prisoners at Algiers, was read, praying that measures may be taken for their present support, and for their relief from long captivity.

Ordered, That it be referred to the Secretary of State, to report thereon to the Senate.

The petition of Arthur Hughes, for compensation for services and supplies during the late war, was presented and read.

Ordered, That it be referred to the Secretary of the Treasury, to report thereon to the Senate.

The reading of the papers, communicated by the Secretary of War, of the 7th instant, on Indian affairs, was continued, and, after progress, postponed.

MONDAY, November 12.

SAMUEL JOHNSTON, from the State of North Carolina, and JOSEPH STANTON, from the State of Rhode Island, attended.

The memorial of James Warrington, the true and lawful attorney of Joseph Blackford, surviving co-partner of Michael John Harris, deceased, who, with the said Joseph, carried on business, as merchants, under the firm of Harris and Blackford, in Charleston, in the State of South Carolina, and who supplied Joseph Banks, during the late war, a contractor to the Southern army, with goods to a large amount, was read, praying the interposition of Congress in respect to a demand on the said Joseph Banks, for reasons stated in the said memorial.

Ordered, That it lie on the table.

The memorial of Gaetano Brago di Domenico was read, on the subject of appointing a Consul to the Republic of Genoa.

Ordered, That it lie on the table.

Ordered, That MESSRS. CABOT, HENRY, and MORRIS, be a committee to report a bill regulating Foreign Coins, and for other purposes.

The reading of the papers communicated from the Secretary of War the 7th instant, respecting Indian affairs, was continued; and, after progress, the Senate adjourned.

TUESDAY, November 13.

The petition of Mary Kent, for the renewal of a loan-office certificate, destroyed by accident, was presented and read.

Ordered, That it be referred to the Secretary of the Treasury, to report thereon to the Senate.

The reading of the papers, communicated from the Secretary of War on the 7th instant, respecting Indian affairs, was continued; and, after progress, postponed.

Mr. CABOT, from the committee appointed for that purpose, reported a bill, regulating Foreign Coins, and for other purposes; which was read the first time, and ordered to pass to a second reading.

WEDNESDAY, November 14.

The petition of William Dunbar, executor of the last will and testament of George Galphin, deceased, late a Commissioner of Indian affairs, was presented and read, praying, in behalf of the children of the said George Galphin, that the compensation allowed to the other commissioners of Indian affairs may be extended to them, the legal representatives of their late father.

On motion that this petition be referred to a committee, it passed in the negative.

The Senate continued the reading of the papers, communicated from the Secretary of War, on Indian affairs; and, after progress, adjourned.

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THURSDAY, November 15.

The papers communicated the 7th instant, from the Secretary of War, respecting Indian affairs, were read, and ordered to lie on the table.

The bill regulating Foreign Coins, and for other purposes, was read the second time, and ordered to pass to the third reading.

The PRESIDENT laid before the Senate a Letter from the Secretary of War, together with copies of sundry papers transmitted by James Seagrove, Superintendent and Commissioner of Indian affairs, respecting the peaceable disposition of the Creek nation; which were read.

Ordered, That they lie on the table.

FRIDAY, November 16.

AARON BURR, from the State of New York, attended, and took his seat.

The PRESIDENT laid before the Senate a Letter from Messrs. Herbert & Co., dated Paris, January 26, 1792, respecting the purchase of a tract of land of the United States; which was read.

Ordered, That the Secretary carry this Letter to the House of Representatives.

The bill regulating Foreign Coins, and for other purposes, was read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act regulating Foreign Coins, and for other purposes."

Ordered, That the consideration of the report of a committee, made April the 5th, 1792, on the subject of Weights and Measures, be the order of the day for Monday next.

MONDAY, November 19.

The PRESIDENT laid before the Senate a Letter signed Thomas Jefferson, in behalf of the Trustees of the Sinking Fund, who were appointed pursuant to an act, entitled "An act making provision for the reduction of the Public Debt," enclosing their accounts, and stating that, from the 25th of October, 1791, there have been purchased, of various denominations of the Public Debt, to the amount of \$364,093 13 cents; and that, since the commencement of the business, \$1,495,457 89 cents of said debt have been purchased; for which the sum of \$967,821 65 cents in specie, have been paid; which Letter and papers therein referred to, were read, and ordered to lie on the table.

An Address from the people called Quakers, in behalf of the religious societies of that denomination in the States of Pennsylvania, New Jersey, Delaware, and part of Maryland and Virginia, was presented and read, suggesting the expediency of adopting further measures to conciliate the minds, and to effect a peace with the hostile tribes of Indians.

Ordered, That it lie on the table.

TUESDAY, November 20.

Agreeably to the order of the day, the Senate proceeded to consider the report of the committee made April the 5th, 1792, on the subject of Weights and Measures; and, after debate,

Ordered, That the further consideration thereof be postponed to the first Monday in December next.

The petition of Thomas Screven, one of the qualified acting executors of the last will and testament of James Screven, Brigadier General in the State of Georgia, deceased, was presented and read, praying for the renewal of certain certificates of Public Debt, said to be burnt or otherwise destroyed by the enemy during the late war.

Ordered, That this petition lie on the table.

The petition of Elisha Bennett, a seaman on board the Continental frigate the Trumbull, was presented and read, praying to be allowed the arrearage of his wages, the payment of which hath been hitherto impeded by accident.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

WEDNESDAY, November 21.

Ordered, That Messrs. ELLSWORTH, STRONG, MONROE, JOHNSTON, and KING, by a committee to take the Judiciary system into consideration, and report thereon to the Senate.

The petition of Barent I. Staats was presented and read, praying compensation for services rendered the United States during the late war, which is stated to have been delayed by reason of a mistake in the officer appointed to liquidate the public accounts.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The petitions of Asa Day, and of William Perkins, by his attorney Josiah Rogers, were severally read, praying to be allowed the arrearages of their wages, due for military services during the late war.

Ordered, That these petitions be severally referred to the Secretary of War, to report thereon to the Senate.

THURSDAY, November 22.

Ordered, That Messrs. JOHNSTON, CABOT, and READ, be a committee to consider the expediency of a law respecting fugitives from justice, and persons escaping from the service of their masters, and, if they think proper, to report a bill.

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

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

I send you herewith the abstract of a supplementary arrangement which has been made by me, pursuant to the acts of the 3d day of March, 1791, and the 8th day of May, 1792, for raising a revenue upon foreign and domestic distilled spirits; in respect to the subdivisions and officers which have appeared to me necessary, and to the allowances for their respective services to the supervisors, inspectors, and other officers of inspection; together with estimates of the amount of compensations and charges.

G. WASHINGTON.

UNITED STATES, November 22, 1792.

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Ordered, That this Message, and the papers therein referred to, lie for consideration.

FRIDAY, November 23.

RICHARD BASSETT, from the State of Delaware, attended, and took his seat.

The committees not having perfected their reports, the Senate adjourned.

MONDAY, November 26.

The petition of James Mathers, Doorkeeper to the Senate, was presented and read, praying that he may be "authorized, at public expense, to employ a person to make fires, carry wood, &c."

Ordered, That the petition lie on the table.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning the registering and recording of ships or vessels," in which they desire the concurrence of the Senate.

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

TUESDAY, November 27.

No business was done to-day.

WEDNESDAY, November 28.

Ordered, That the Secretary be directed to purchase a map of the United States, and maps of the respective States, for the use of the Senate.

Ordered, That Messrs. BRADLEY, BUTLER, and SHERMAN, be a committee to consider the petition of James Mathers, Doorkeeper to the Senate, and report thereon.

THURSDAY, November 29.

The PRESIDENT laid before the Senate a Letter from Samuel Meredith, Treasurer of the United States, of the 28th instant, enclosing his specie account to the 30th of September last; which letter and papers were read.

Ordered, That they lie on the table.

Ordered, That the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels," be the order of the day for Monday next.

FRIDAY, November 30.

The Senate assembled, and adjourned to Monday next at 11 o'clock.

MONDAY, December 3.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels."

Ordered, That it be referred to Messrs. BUTLER, CABOT, MORRIS, MONROE, and KING, to consider and report thereon.

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The Senate took up the report of the committee, made April 5th, 1792, on the subject of Weights and Measures; and, after debate, ordered, that the further consideration thereof be postponed until Thursday next.

The petition of a number of persons, of the State of South Carolina, praying that Congress would take into consideration the expediency of passing a Bankrupt law, was read.

Ordered, That this petition lie on the table.

TUESDAY, December 4.

No business done to-day.

WEDNESDAY, December 5.

The VICE PRESIDENT of the United States attended.

Mr. BRADLEY gave notice that, on Friday next, he should move for leave to bring in a bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

THURSDAY, December 6.

Agreeably to the order of the day, the Senate proceeded to the consideration of the report of the committee, made April 5th, 1792, on the subject of Weights and Measures.

On motion, that the report under consideration be recommitted, and that the committee be requested to report a bill for rendering the Weights and Measures of the United States uniform and invariable, retaining in general the Weights and Measures now in use,

It was agreed, that the further consideration of the report, together with the motion made thereon, be postponed until Monday se'nnight.

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

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

The several measures, which have been pursued to induce the hostile Indian tribes north of the Ohio to enter into a conference or treaty with the United States, at which all causes of difference might be fully understood, and justly and amicably arranged, have already been submitted to both Houses of Congress.

The papers herewith sent will inform you of the result.

G. WASHINGTON.

UNITED STATES, December 6, 1792.

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

FRIDAY, December 7.

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

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

I lay before you two Letters, with their enclosures from the Governor of the Southwestern territory, and an extract of a letter to him from the Department of War.

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These, and a Letter of the 9th of October last, which has been already communicated to you, from the same Department to the Governor, will show in what manner the first section of the act of the last session, which provides for calling out the Militia for the repelling of Indian invasions, has been executed. It remains to be considered by Congress whether, in the present situation of the United States, it be advisable or not to pursue any further or other measures than those which have been already adopted. The nature of the subject does, of itself, call for your immediate attention to it; and I must add, that, upon the result of your deliberations, the future conduct of the Executive will on this occasion materially depend.

G. WASHINGTON.

UNITED STATES, December 7, 1792.

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

Agreeably to the notification of the 5th instant, Mr. BRADLEY obtained leave to bring in "a bill in addition to, and alteration of, an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States;'" and the bill was read the first time, and ordered to pass to the second reading.

MONDAY, December 10.

The Senate proceeded to the second reading of the bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States;" and, after debate,

Ordered, That this bill be referred to Messrs. BRADLEY, STRONG, KING, ELLSWORTH, and BROWN, to consider generally, and report thereon.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, on the subject of Indian affairs, with sundry papers enclosed; which were read, and ordered to lie on the table.

TUESDAY, December 11.

Mr. BUTLER, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels," reported amendments.

The Senate resumed the second reading of the last mentioned bill; and, on motion, to expunge the following proviso in the first section of the bill, to wit:

"*Provided*, That they shall not continue to enjoy the same longer than they shall continue to be wholly owned, and to be commanded, by a citizen or citizens of the said States:"

It passed in the negative—yeas 5, nays 19, as follows:

YEAS.—Messrs. Brown, Butler, Edwards, Few, and Izard.

NAYS.—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Foster, Hawkins, Henry, Johnston, King, Langdon, Monroe, Morris, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

And, after agreeing to sundry amendments, as reported by the committee,

Ordered, That this bill pass to the third reading.

WEDNESDAY, December 12.

JOHN TAYLOR, appointed by the Legislature of the State of Virginia, in the place of RICHARD H. LEE, resigned, produced his credentials and took his seat in the Senate. He also produced the credentials of his appointment to a seat in the Senate for six years from the 4th of March, 1793; which were severally read, and the oath was, by the VICE PRESIDENT, administered to Mr. TAYLOR, as the law provides.

According to the order of the day, the Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels," and, after agreeing to further amendments,

Resolved, That this bill pass as amended.

THURSDAY, December 13.

Mr. BRADLEY, from the committee appointed to take into consideration the bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," reported amendments, which were adopted, and the bill was amended accordingly.

Ordered, That this bill pass to a third reading.

FRIDAY, December 14.

Mr. BRADLEY reported from the committee to whom was referred the petition of James Mathers, and the report was adopted. Whereupon,

Ordered, That James Mathers be authorized to employ a person for the purpose mentioned in his petition, and that the person thus employed be allowed, under the direction of the Secretary of the Senate, a sum not exceeding fifty cents per day during the session of the Senate, to be paid out of the money appropriated for the contingent expenses of the two Houses of Congress.

The bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," was read the third time.

Resolved, That this bill pass; that the title thereof be "An act in addition to, and alteration of, an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States;'" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

MONDAY, December 17.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee, made April the 5th, 1792, on the subject of Weights and Measures, together with the motion made thereon the 6th instant.

A motion was made to postpone the consideration thereof, and to

"*Resolve*, That the present measures of length be retained and fixed by an invariable standard; that the measures of surface remain as they are, and be invariable

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ble also as the measures of length to which they are to refer; that the unit of capacity, now so equivocal, be settled at a medium and convenient term, and defined by the same invariable measures of length, that the more known terms in the two kinds of weights be retained, and reduced to one series, and that they be referred to a definite mass of some substance, the specific gravity of which never changes; and that a committee be appointed to bring in a bill accordingly:"

And, after debate, it was

Ordered, That the consideration of this motion be deferred until to-morrow.

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 concerning the registering and recording of ships or vessels," except to their amendment to the seventeenth section, to which they disagree.

The Senate proceeded to the consideration of the resolution of the House of Representatives disagreeing to the amendment of the Senate to the seventeenth section of the bill last mentioned; and

Resolved, That the Senate recede from their amendment to the said seventeenth section.

TUESDAY, December 18.

Agreeably to the order of the day, the Senate resumed the consideration of the motion made yesterday, to postpone the consideration of the report of the committee, made the 5th of April last, on the subject of Weights and Measures, with the motion of the 6th of December instant, made thereon; and agreed to amend the motion for postponement made yesterday, by striking out these words: "And that a committee be appointed to bring in a bill accordingly."

It was agreed to postpone the motion made yesterday for postponement, and to take up the following motion:

1st. That the units of the Measures and Weights of the United States shall be equal to certain Measures and Weights now in use.

2d. That the standard for the Measures and Weights of the United States be an uniform cylindrical rod of metal, of such length as in the latitude of forty-five degrees, in the level of the ocean, and in a cellar of uniform natural temperature, shall perform its vibrations in small and equal arcs in one second of time, and which standard rod shall be divided into four hundred and eighty-nine equal parts.

3d. That the unit of Measures of length shall be a foot, which shall be equal in length to one hundred parts of the aforesaid standard rod.

That sixty-six feet shall be a chain, and eighty chains a mile.

4th. That Measures of surface be made by squares of the measures of length; but in the case of land the unit shall be an acre, which shall contain forty-three thousand five hundred and sixty square feet, or shall be ten chains in length and one in breadth.

5th. That the unit of the Measures of capacity shall be a bushel, which shall be one foot square, and one foot and twenty-five cents of a foot deep, and shall contain one cubic foot and a quarter.

6th. That the unit of Weights shall be a pound, which shall be equal to the pound Avoirdupois, now in use, and shall be equal in weight to a quantity of rain water,

twenty cents of a foot square, and forty cents deep, or sixteen thousand cubic cents of a foot, measured and weighed in a cellar of uniform natural temperature.

7th. That the units of the Measures and Weights of the United States shall be divided into cents or hundredth parts, and where necessary into mills or thousandth parts, and in the case of Weights the mill shall be divided into seven grains, equal to seven grains Troy.

Ordered, That the motion for postponement made yesterday, as amended, together with the motion last made, be referred to Messrs. RUTHERFURD, MONROE, IZARD, ELLSWORTH, and LANGDON, to consider and report thereon.

WEDNESDAY, December 19.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, enclosing copies of letters from General Wilkinson, Major Adair, and others, on Indian affairs, which were read.

Ordered, That they lie on the table.

The petition of James Wilson and others, in behalf of the Illinois and Ouabache Land Company, praying to be heard by counsel on the report of a committee made to the Senate the 11th of April, 1792, on a former petition, was presented and read.

Ordered, That the consideration of this petition be the order of the day for Monday the 31st instant.

THURSDAY, December 20.

Mr. JOHNSTON, from the committee appointed for that purpose, reported a bill respecting fugitives from justice, and persons escaping from the service of their masters; which was read the first time, and ordered to pass to the second reading.

FRIDAY, December 21.

The Senate proceeded to the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters; and

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have appointed a joint committee on their part for enrolled bills, and desire the appointment of a joint committee for that purpose on the part of the Senate.

The Senate took into consideration the message above-mentioned; and ordered that Mr. BROWN be of the committee on their part, for the purposes expressed therein.

MONDAY, December 24.

Agreeably to the order of the day, the Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters; and, after debate,

Ordered, That the further consideration thereof be postponed.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, enclosing the copy of a Letter from the Governor of Georgia

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together with a deposition respecting some recent and cruel murders of a number of the citizens of that State by the Cherokee Indians; which were read, and ordered to lie on the table.

WEDNESDAY, December 26.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters; and, after debate,

Ordered, That the consideration thereof be further postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same;" in which they desire the concurrence of the Senate.

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

THURSDAY, December 27.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" and

Ordered, That the further consideration thereof be postponed.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters;" and, after debate,

A motion was made and seconded, to postpone the further consideration thereof to the next session of Congress.

FRIDAY, December 28.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters: and the motion yesterday made thereon, to wit: "That the further consideration of the bill be postponed to the next session of Congress;" was passed in the negative.

Ordered, That the bill be recommitted, and that Messrs. TAYLOR and SHERMAN be added to the committee, who are instructed to consider the subject generally, and report thereon.

MONDAY, December 31.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" and

Ordered, That it be referred to Messrs. CABOT, MORRIS, BRADLEY, LANGDON, and MONROE, to consider generally, and report thereon.

The VICE PRESIDENT laid before the Senate a

Letter from a number of the citizens of Toulouse, in the Department of Garonne, in France; which was read.

Ordered, That the Secretary carry this Letter to the House of Representatives.

Agreeably to the order of the day, the consideration of the petition of James Wilson and others, on behalf of the Illinois and Ouabache Land Company, was resumed.

Ordered, That the further consideration thereof be postponed to this day fortnight.

The VICE PRESIDENT laid before the Senate a Letter from Abraham Whipple, referring to a petition presented to a former Congress for compensation; which was read.

Ordered, That it lie on the table.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered that it pass to the second reading.

TUESDAY, January 1, 1793.

The VICE PRESIDENT laid before the Senate the memorial of D. L. Morel, accompanied with a project for applying oars to vessels of war.

Ordered, That they lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" was read the second time.

Ordered, That it be referred to the committee appointed the 21st of November, to take the Judiciary system into consideration, who are instructed also to consider this bill, and to report thereon.

WEDNESDAY, January 2.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the following bills, in which they respectively desire the concurrence of the Senate: A bill entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war;" a bill entitled "An act to amend an act entitled 'An act establishing a Mint, and regulating the coins of the United States,' so far as respects the coinage of copper;" and a bill entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named."

The bill entitled "An act to authorize the settlement of the accounts of Lewis Garanger for military services during the late war," was read the first time, and ordered to pass to the second reading.

The bill entitled "An act to amend an act entitled 'An act establishing a Mint, and regulating the coins of the United States,' so far as respects

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the coinage of copper," was read the first time, and ordered to pass to the second reading.

The bill entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," was read the first time, and ordered to pass to the second reading.

THURSDAY, January 3.

The bill sent from the House of Representatives for concurrence entitled "An act to amend an act entitled 'An act establishing a Mint, and regulating the coins of the United States,' so far as respects the coinage of copper," was read the second time.

Ordered, That this bill be referred to Messrs. MORRIS, CABOT, and JOHNSTON, to consider generally, and report thereon.

The bill sent from the House of Representatives for concurrence entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," was read the second time.

Ordered, That this bill be referred to Messrs. STRONG, SHERMAN, and KING, to consider generally, and report thereon.

The bill sent from the House of Representatives for concurrence entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," was read the second time.

The petition of the said Lewis Garanger, and sundry papers thereto referring, were read.

Ordered, That the petition of the said Lewis Garanger be referred to the Secretary of War, to report thereon to the Senate.

Ordered, That the bill last mentioned pass to the third reading.

Mr. JOHNSTON, from the committee on the bill respecting fugitives from justice, and persons escaping from the service of their masters, reported amendments; which were read.

Ordered, That the report be printed for the use of the Senate.

Mr. ELLSWORTH, from the committee appointed to take the Judiciary system into consideration, reported a bill on that subject; which was read the first time, and ordered to pass to the second reading.

A motion was made and seconded that the Senate adopt the following resolutions, to wit:

Resolved, That the Senate of the United States are individually responsible for their conduct to their constituents, who are entitled to such information as will enable them to form a just estimate thereof.

Resolved, That the Journals are too voluminous and expensive to circulate generally; and, if it were otherwise, that the information they contain, as to the principles, motives, and designs of individual members, is inadequate.

Resolved, That this information, defective as it is, becomes more nugatory and delusive, in proportion as the occasion for it increases, since the Senate make their own Journals.

Resolved, That the conducting of the Legislative and Judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct of individual members; and that, by withholding this information, responsibility becomes unavailing, the influence of their constituents over one branch of the Legislature, in a great measure, annihilated, and the best security which experience has devised against the abuse of power and a mal-administration abandoned.

Resolved, therefore, That it be a standing rule that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in a Legislative and Judicative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress.

Resolved, That the Secretary of the Senate request the Commissioners of the city and county of Philadelphia to cause a proper gallery to be erected for the accommodation of an audience."

On motion that the resolves now proposed be printed for the use of the Senate, it passed in the negative.

Ordered, That they lie on the table, and that the consideration thereof be the order of the day for the first Monday in February next.

FRIDAY, January 4.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters, and the report of the committee thereon; and, after debate, the consideration thereof was further postponed.

The Senate proceeded to the second reading of the bill in addition to the act entitled "An act to establish the Judicial Courts of the United States;" and, after debate,

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

MONDAY, January 7.

On motion, at the request of D. L. Morel,

Ordered, That he have leave to withdraw his memorial.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, containing confidential communications from the PRESIDENT OF THE UNITED STATES, respecting Indian Affairs; which were read.

Ordered, That they lie on the table.

The Senate resumed the second reading of the bill in addition to the act entitled "An act to establish the Judicial Courts of the United States;" which, having been amended,

Ordered, That it pass to the third reading.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce;" in which they desire the concurrence of the Senate.

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

Ordered, That the report of the committee on the bill respecting fugitives from justice, and persons escaping from the service of their masters, be further postponed.

Mr. STRONG, from the committee to whom was referred the bill entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

TUESDAY, January 8.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians under the sanction of flags of truce," was read the second time.

The papers brought from the House of Representatives, respecting the persons mentioned in the said bill, were read.

Ordered, That this bill pass to the third reading.

The bill in addition to the act entitled "An act to establish the Judicial Courts of the United States," was read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act in addition to the act entitled, 'An act to establish the Judicial Courts of the United States.'"

The consideration of the bill respecting fugitives from justice, and persons escaping from the service of their masters, was postponed to Monday next.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," was read the third time.

Resolved, That this bill pass.

WEDNESDAY, January 9.

Ordered, That the bill sent from the House of Representatives for concurrence, entitled, "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce," be referred to Messrs. KING, SHERMAN, and FOSTER, to consider generally, and report thereon.

Mr. MORRIS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to amend an act, entitled 'An act establishing a Mint, and regulating the coins of the United States, so far as respects the coinage of copper,'" reported the bill without amendment.

Ordered, That the rule be dispensed with, so far as that this bill be now read the third time.

It was agreed to amend the bill, and strike out "eight pennyweights and sixteen grains," and to insert, in place of those words, "two hundred and

eight grains;" to strike out the words "four pennyweights and eight," and insert, in place of those words, "one hundred and four."

Resolved, That this bill pass as amended.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act making appropriations for the support of Government for the year 1793;" in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was read the first time, and ordered to pass to the second reading.

THURSDAY, January 10.

A message from the House informed the Senate, that the House of Representatives concur in their amendments to the bill, entitled "An act to amend an act, entitled 'An act establishing a Mint, and regulating the coins of the United States, so far as respects the coinage of copper.'"

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was read the second time.

Ordered, That it be referred to Messrs. IZARD, STRONG, and TAYLOR, to consider generally, and report thereon.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to regulate the claims to Invalid Pensions;" in which they desire the concurrence of the Senate.

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

FRIDAY, January 11.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, STRONG, SHERMAN, HAWKINS, and KING, to consider generally, and report thereon.

MONDAY, January 14.

The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice, and persons escaping from the service of their masters; and, after progress,

Ordered, That the consideration thereof be further postponed.

Ordered, That the consideration of the memorial of James Wilson and others, on behalf of the Illinois and Ouabache Land Company, be further postponed.

TUESDAY, January 15.

The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from

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the service of their masters, and the amendments proposed; and, after debate,

Ordered, That the consideration thereof be further postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill 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 which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to pass to the second reading.

Mr. IZARD, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," reported amendments; which were read and agreed to.

On motion by Mr. BUTLER, seconded by Mr. BRADLEY,

Ordered, That the Secretary of the Treasury lay before the Senate the account of the United States with the Bank of the United States, specifying the precise sums, with the dates of the debits and credits, from the institution of the Bank to the day the return is made. That the Secretary of the Treasury also lay before the Senate an account of the surplus of revenue appropriated to the purchase of the Public Debt, to the same period, specifying the sums and dates. That he lay before the Senate a statement of the money borrowed by virtue of the law passed August 4, 1790, with the appropriation of the amount, and the precise dates. That he lay before the Senate the amount and application of the money borrowed by virtue of the law of August 12, 1790; and that he also lay before the Senate an account exhibiting the probable surplus and unappropriated revenue of the year 1792, stating, as far as possible, the dates and the sums.

WEDNESDAY, January 16.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence entitled "An act relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted;" and,

Ordered, That this bill pass to the third reading.

The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters, and the amendments proposed; and, after progress, the Senate adjourned.

THURSDAY, January 17.

Ordered, That the bill sent from the House of Representatives for concurrence entitled "An act relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted," be referred to Messrs.

HAWKINS, KING, and STRONG, to consider generally, and report thereon.

The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters, and, having amended the report, it was adopted, and agreed that the bill be amended accordingly.

Ordered, That this bill pass to the third reading.

FRIDAY, January 18.

The VICE PRESIDENT laid before the Senate the Report of the Secretary of the Treasury, made conformably to the order of the 15th of January instant, with sundry papers enclosed; which were read.

Ordered, That they lie on the table.

A motion was made that it be

"*Ordered*, That the Secretary of the Treasury lay before the Senate an account of the Sinking Fund, stating the reasons which have contributed to its supply, from its institution to this time, and showing the present balance on hand; and it was agreed that this motion be postponed until Monday next."

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act to continue in force, for a limited time, and to amend the act entitled 'An act providing the means of intercourse between the United States and foreign nations;'" a bill entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina;" and a bill entitled "An act to regulate trade and intercourse with the Indian tribes;" to which several bills they desire the concurrence of the Senate.

The three bills last mentioned were severally read the first time, and ordered that they severally pass to the second reading.

The bill respecting fugitives from justice and persons escaping from the service of their masters was read the third time; and, being further amended, on a motion to strike out "five hundred dollars," for the purpose of inserting a less sum, in section 4th, the penalty on "any person who shall knowingly and willingly obstruct or hinder such claimant, his agent, or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent, or attorney, when so arrested, pursuant to the authority herein given or declared, or shall harbor or conceal such person, after notice that he or she was a fugitive from labor as aforesaid;" it passed in the negative.

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act respecting fugitives from justice and persons escaping from the service of their masters."

Mr. ELLSWORTH, from the committee to whom was referred the bill entitled "An act to regulate the claims to invalid pensions," reported the bill, with amendments; which were read.

Ordered, That the consideration thereof be postponed.

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MONDAY, January 21.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War accompanying his report on the petition of Lewis Garanger; which were read; and,

Ordered, That the bill sent from the House of Representatives for concurrence entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," together with the report of the Secretary thereon, be referred to Messrs. SHERMAN, HAWKINS, and BROWN, to consider generally, and report.

Ordered, That the second reading of the bill sent from the House of Representatives for concurrence entitled "An act to continue in force, for a limited time, and to amend the act entitled 'An act providing the means of intercourse between the United States and foreign nations,'" be postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina," was read the second time.

Ordered, That this bill be referred to Messrs. RUTHERFURD, HAWKINS, and STRONG, to consider generally, and report thereon.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate trade and intercourse with the Indian tribes," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, BURR, MONROE, BRADLEY, and STRONG, to consider and report thereon.

The motion made on the 18th instant, for an order to the Secretary of the Treasury, was, by consent of the Senate, withdrawn.

A motion was made and seconded, that it be

Ordered, That the Secretary of the Treasury lay before the Senate a general account, exhibiting the amount of all the public funds and moneys (loans included) up to the end of last year, and what remains of each appropriation, either in cash, bonds, certificates, or other securities, and stating where the balances are deposited. That he also lay before the Senate a copy of the powers under which he negotiated the loans made under the laws of the 4th and 12th of August, 1790, and the original communications from the Public Commissioners in Holland, stating the difficulties of making separate loans under the said acts, as mentioned in his Letter of January, 1793. That he particularly state the amount which has been drawn into the United States, of the moneys borrowed in Europe, under the acts of the 4th and 12th of August, 1790, the purposes for which drawn, how any part thereof hath been applied, with the balance now on hand, and where deposited."

Ordered, That this motion lie on the table.

A motion was made and seconded, that it be

Ordered, That the Trustees of the Sinking Fund lay before the Senate an account of the funds under their direction, stating specially the reasons of their proceedings, the surplusses now on hand, and where deposited."

Ordered, That this motion lie on the table.

The Senate resumed the second reading of the bill sent from the House of Representatives for

concurrence, entitled "An act making appropriations for the support of Government for the year 1793;" and, after progress, the further consideration thereof was postponed.

Mr. MONROE notified the Senate, that he should, to-morrow, move for leave to bring in "A bill to explain and amend an act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying Northwest of the River Ohio, between the Little Miamis and Sciota.'"

TUESDAY, January 22.

The petitions of Theodosius Chartier, Jean Baptiste Laporte, and others, for compensation for military services during the late war, were severally read.

Ordered, That they be referred to the Secretary of War, to report thereon to the Senate.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793;" and, after progress, the consideration thereof was further postponed.

WEDNESDAY, January 23.

JAMES GUNN, from the State of Georgia, attended, and took his seat.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793."

It was agreed that the consideration of this bill be further postponed, for the purpose of taking into consideration the motion made on the 21st instant, for an order to the Secretary of the Treasury.

It was agreed to amend the first paragraph of the motion, and to subjoin these words: "as far as the same can at present be done." And the second paragraph of the motion being also, by consent of the Senate, withdrawn, to wit:

"That he also lay before the Senate a copy of the powers under which he negotiated the loans made under the laws of the 4th and 12th of August, 1790, and the original communications from the Public Commissioners in Holland, stating the difficulties of making separate loans under the said acts, as mentioned in his letter of January, 1793:—it was

Ordered, That the Secretary of the Treasury lay before the Senate a general account, exhibiting the amount of all the public funds and moneys (loans included) up to the end of the last year, and what remains of each appropriation, either in cash, bonds, certificates, or other securities, and stating where the balances are deposited, as far as the same can at present be done. That he particularly state the amount which has been drawn into the United States, of the moneys borrowed in Europe, under the acts of the 4th and 12th of August, 1790, the purposes for which drawn, how any part thereof hath been applied, with the balance now on hand, and where deposited.

The consideration of the motion made on the

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21st instant, for an order to the Commissioners of the Sinking Fund, was resumed; and it was agreed to strike out of the order these words: "specially the reasons of their proceedings."

A motion was made and seconded, to subjoin the following words to the order: "together with the journal of their proceedings in the execution of their trust;" which passed in the negative.

On the question to agree to the order as amended, it passed in the negative.

Resolved, That the President of the United States be requested to lay before the Senate, copies of the powers given by him for the negotiation of the loans authorized by the laws of the 4th and 12th of August, 1790, and of the communications from the Public Commissioners in Holland.

THURSDAY, January 24.

The petition of Lachlan M'Intosh, in behalf of himself and the officers and soldiers of the Georgia line of the Continental Army, for further compensation for military service during the late war, was presented and read.

Ordered, That it lie on the table.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury, stating "that an order, which passed the House of Representatives yesterday, renders it necessary that he should have recourse to the Treasurer's Bank books, and the accounts of the several offices of discount and deposit, that were lately transmitted to the Senate."

Ordered, That the Secretary of the Senate return the papers above mentioned to the Secretary of the Treasury.

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was resumed; and, after debate, the consideration thereof was further postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" was read the second time; and, after debate,

Ordered, That the further consideration of this bill be the order of the day for Thursday next.

The Senate took into consideration the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions;" and the consideration thereof was further postponed.

FRIDAY, January 25.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his account of expenditures in the Department of War, to the 31st of December, 1792; which were read.

Ordered, That they lie on the table.

The memorial of Francis De Bretigny, for com-

penation for military service during the late war, was presented and read.

Ordered, That it be referred to the Secretary of War, to examine and report thereon to the Senate.

Mr. MONROE obtained leave to bring in a bill, agreeably to his notification of the 21st instant.

MONDAY, January 26.

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

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

Since my last communication to you, on the subject of the revenue on distilled spirits, it has been found necessary, on experience, to revise and amend the arrangements relative thereto, in regard to certain surveys, and the officers thereof, in the district of North Carolina; which I have done accordingly, in the manner following:

1st. The several counties of the said district originally and heretofore contained within the first, second, and third surveys, have been allotted into, and are now contained in, two surveys; one of which (to be hereafter denominated the first) comprehends the town of Wilmington, and the counties of Onslow, New Hanover, Brunswick, Robertson, Sampson, Craven, Jones, Lenox, Glasgow, Johnston, and Wayne; and the other of which (to be hereafter denominated the second) comprehends the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hartford, Tyrrel, Bertie, Carteret, Hyde, Beaufort, and Pitt.

2dly. The several counties of the said district originally and heretofore contained within the first survey of the district aforesaid, has been allotted into and is contained in two surveys, one of which (to be hereafter denominated the third) comprehends the counties of Mecklenburg, Rowan, Iredell, Montgomery, Guilford, Rockingham, Stokes, and Surrey; and the other of which (to be hereafter denominated the fifth) comprehends the counties of Lincoln, Rutherford, Burke, Buncombe, and Wilkes.

3dly. The duties of inspector of the revenue, in and for the third survey, as constituted above, is to be performed, for the present, by the supervisor.

4thly. The compensations of the inspector of the revenue for the first survey, as above constituted, are to be a salary of two hundred and fifty dollars per annum, and commissions and other emoluments similar to those heretofore allowed to the inspector of the late first survey, as it was originally constituted.

5thly. The compensations of the inspector of the revenue for the second survey, as above constituted, are to be a salary of one hundred dollars per annum, and commissions and other emoluments heretofore allowed to the inspector of the late third survey, as it was originally constituted.

6thly. The compensations of the inspector of the revenue for the fifth survey, as above constituted, are to be a salary of one hundred and twenty dollars per annum, and the commissions and other emoluments, similar to those heretofore allowed to the inspector of the late fifth survey, as it was originally constituted.

G. WASHINGTON.

UNITED STATES, January 23, 1793.

Ordered, That this Message lie for consideration.

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

I lay before you an official statement of the expenditure to the year 1792, from the sum of ten thousand dollars granted to defray the contingent expenses of Government, by an act passed on the 26th of March, 1790.

Also, an abstract of a supplementary arrangement made in the district of North Carolina, in regard to certain surveys, to facilitate the execution of the law laying a duty on distilled spirits.

G. WASHINGTON.

UNITED STATES, January 25, 1793.

Ordered, That this Message lie for consideration.

The second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," was further postponed.

The Senate resumed the consideration of the amendments reported by the committee on the bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions;" and, having adopted them, it was agreed that the bill be amended accordingly.

Ordered, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to authorize a loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States;" in which they desire the concurrence of the Senate.

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

TUESDAY, January 29.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize a loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States," was read the second time.

Ordered, That the further consideration of this bill be postponed until Monday next.

Mr. CABOT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," reported the bill with amendments; which were read.

Ordered, That the amendments be printed for the use of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions," was read the third time.

Resolved, That this bill pass as amended.

Mr. RUTHERFORD reported, from the committee appointed the 13th of December last, on the subject of Weights and Measures.

WEDNESDAY, January 30.

The VICE PRESIDENT laid before the Senate a Letter from Monsieur Le Brunn, respecting certain arrearages said to be due for military services to his late brother; which was read.

Ordered, That this Letter be sent to the House of Representatives.

The report of the committee on the bill, sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," was taken into consideration and adopted; and, after progress in the second reading of the bill,

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act regulating Foreign Coins, and for other purposes," with amendments, in which they desire the concurrence of the Senate.

The amendments proposed to the last mentioned bill were read.

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

THURSDAY, January 31.

The petition of a number of the ship owners and masters, insurers and traders, of the town of Portsmouth, in the State of New Hampshire, was read, stating the expediency of erecting a light-house, and placing buoys and beacons at the entrance of the river leading to the said town.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The Senate took into consideration the amendments of the House of Representatives to the bill, sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes;" and

Resolved, That they concur therein, with an amendment to their last amendment, to wit: strike out the words 'be made,' and insert 'commence,' so that the clause be read as follows:

"And be it further enacted, That the assay, provided to be made by the act, entitled 'An act establishing a Mint, and regulating the coins of the United States,' shall commence, in the manner as by the said act is prescribed, on the second Monday of February, annually; any thing in the said act to the contrary notwithstanding."

Mr. BRADLEY notified the Senate that he should to-morrow request leave to bring in a bill "for altering the time and place of holding the Circuit Court in the district of Vermont."

Mr. MONROE, agreeably to leave obtained the 25th instant, brought in a bill to explain and amend an act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miamis and Sciota," which was read the first time, and ordered to pass to the second reading.

The second reading of the bill sent from the

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House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" was resumed.

Ordered, That this bill pass to the third reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same;" and having further amended the bill,

Ordered, That it pass to a third reading, and that it be the order of the day for Tuesday next.

FRIDAY, February 1.

The third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations'" was postponed.

The bill to explain and amend an act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miamis and Sciota," was read the second time.

Ordered, That it be committed to Messrs. READ, SHERMAN, and MONROE, to consider generally and report thereon.

Agreeably to notice given yesterday, Mr. BRADLEY brought in a bill, "for altering the time and place of holding the Circuit Court in the district of Vermont;" which was read the first time, and ordered to pass to the second reading.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendment of the Senate on their last amendment to the bill, entitled "An act regulating Foreign Coins, and for other purposes."

MONDAY, February 4.

RICHARD POTTS, from the State of Maryland, appointed in place of CHARLES CARROLL, resigned, produced his credentials, and took his seat.

Agreeably to the order of the day, the Senate proceeded to consider the motion made the 3d of January, 1793, "That the doors of the Senate Chamber remain open whilst the Senate shall be sitting in their Legislative and Judiciary capacity."

On motion for the previous question, to wit: Shall the question be now put on the following preliminary resolutions?

Resolved, That the Senate of the States are, individually, responsible for their conduct to their constituents, who are entitled to such information as will enable them to form a just estimate thereof:

Resolved, That the journals are too voluminous and expensive to circulate generally; and, if it were otherwise, that the information they contain, as to the principles, motives, and designs, of individual members, is inadequate:

Resolved, That this information, defective as it is, becomes more nugatory and delusive, in proportion as the

occasion for it increases, since the Senate make their own journals:

Resolved, That the conducting of the Legislative and Judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct, of individual members; and that, by withholding this information, responsibility becomes unavailing, the influence of their constituents over one branch of the Legislature in a great measure annihilated, and the best security which experience has devised against the abuse of power and a mal-administration abandoned:

It passed in the negative—yeas 7, nays 21, as follows:

YEAS.—Messrs. Burr, Butler, Edwards, Gunn, Monroe, Potts, and Taylor.

NAYS.—Messrs. Bassett, Bradley, Brown, Cabot, Dickinson, Ellsworth, Foster, Hawkins, Henry, Johnston, Izard, King, Langdon, Morris, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.

And on motion to agree to the main question, to wit:

Resolved, therefore, That it be a standing rule, that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in a Legislative and Judicative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress.

It passed in the negative—yeas 10, nays 18, as follows:

YEAS.—Messrs. Brown, Burr, Butler, Edwards, Gunn, Hawkins, King, Monroe, Potts, and Taylor.

NAYS.—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Foster, Henry, Johnston, Izard, Langdon, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

On the question to agree to the last resolution moved for on this subject, it passed in the negative.

Mr. SHERMAN, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," reported a state of facts. Whereupon, the Senate resumed the second reading of the bill reported on, and, having agreed to an amendment,

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate that the House of Representatives agree to some, and disagree to other amendments of the Senate to the bill, entitled "An act to regulate the claims to Invalid Pensions;" and that they have passed a bill, entitled "An act to promote the progress of Useful Arts; and to repeal the act heretofore made for that purpose;" in which they desire the concurrence of the Senate.

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to authorize a loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States," was resumed.

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On motion to agree to the first section of the bill, to wit :

“Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, after the accounts between the United States and the individual States shall be finally settled, and the balances placed on the books of the Treasury, pursuant to the act entitled, ‘An act to provide more effectually for the settlement of the accounts between the United States and the individual States,’ a loan, to the amount of the balances which, upon such settlement, shall be found due to particular States, including interest thereon to the end of the present year, shall be opened at the loan offices within such States, respectively, to the extent, in each State, of the balance which shall be found due to the same, to commence on the 1st day of January, 1794, and to continue open for the term of six months, and no longer: Provided, That no such loan shall be opened in any State without the assent of the Legislature thereof:”

It passed in the negative—yeas 11, nays 17, as follows :

YEAS.—Messrs. Cabot, Dickinson, Ellsworth, Foster, Isard, King, Morris, Rutherford, Sherman, Stanton, and Strong.

NAYS.—Messrs. Bassett, Bradley, Brown, Burr, Butler, Edwards, Gunn, Hawkins, Henry, Johnston, Langdon, Monroe, Potts, Read, Robinson, Taylor, and Wingate.

On motion to agree to the subsequent sections of the bill, it passed in the negative.

On the question, Shall this bill pass to the third reading? it passed in the negative.

Ordered, That the Secretary acquaint the House of Representatives that the Senate do not concur in passing this bill.

TUESDAY, February 5.

The Senate proceeded to consider their amendments, disagreed to by the House of Representatives, to the bill, entitled “An act to regulate the claims to Invalid Pensions.”

Resolved, That they insist on their amendments, desire a conference on the disagreeing votes of the two Houses, and that Messrs. KING, ELLSWORTH, and STRONG, be managers at the conference, on the part of the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives have resolved, that a committee be appointed, to join such committee as may be appointed by the Senate, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons who shall be elected of their election; and for regulating the time, place, and manner, of administering the oath of office to the PRESIDENT; and have appointed a committee on their part.

This resolution of the House was read.

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

The bill sent from the House of Representatives for concurrence, entitled “An act to continue in force for a limited time, and to amend the act, entitled ‘An act to provide the means of intercourse

between the United States and foreign nations,’ ” was read the third time.

Resolved, That this bill pass.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill sent from the Senate for concurrence, entitled “An act respecting fugitives from justice, and persons escaping from the service of their masters,” with an amendment; in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled “An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose,” was read the first time, and ordered that it pass to the second reading.

On motion, the third reading of the bill, entitled “An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,” was further postponed.

The Senate proceeded to consider the amendment of the House of Representatives to the bill sent from the Senate for concurrence, entitled “An act respecting fugitives from justice, and persons escaping from the service of their masters,” and agreed to the amendment, to wit: To strike out the word “deemed,” in section first.

Ordered, That the Secretary acquaint the House of Representatives therewith.

WEDNESDAY, February 6.

The VICE PRESIDENT laid before the Senate two Letters received from the Secretary of the Treasury, in pursuance of the order of the 23d of January, 1793, with sundry papers on the subject of the said orders; which were read.

Ordered, That they lie for consideration.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the proposed conference on the subject of disagreement to the amendments to the bill, entitled “An act to regulate the claims to Invalid Pensions,” and have appointed managers at the same on their part; that they have passed a bill, entitled “An act to authorize the adjustment of a claim of Joseph Henderson against the United States;” a bill, entitled “An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States;” a bill, entitled “An act to reimburse Henry Emanuel Luterloh, for expenses incurred in coming to America, to join the Army of the United States;” also, a bill, entitled “An act to repeal part of a resolution of Congress of the 29th of August, 1788, respecting the inhabitants of Post Saint Vincents;” in which several bills, they desire the concurrence of the Senate.

These bills were severally read the first time, and ordered to pass to the second reading.

The Senate proceeded to consider the resolution of the House of Representatives, that a committee be appointed, to join such committee as

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may be appointed by the Senate, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons who shall be elected of their election, and for regulating the time, place, and manner, of administering the oath of office to the PRESIDENT.

Resolved, That the Senate concur in this resolution, and that Messrs. KING, IZARD, and STRONG, be the committee on the part of the Senate.

Mr. HAWKINS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," reported the bill with an amendment, which was adopted; and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.

THURSDAY, February 7.

The bill sent from the House of Representatives for concurrence, entitled "An act to repeal part of a resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents," was read the second time.

Ordered, That the further consideration thereof be postponed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," was read the second time.

Ordered, That this bill be referred to Messrs. FEW, BRADLEY, and JOHNSTON, to consider generally, and report thereon.

The bill, sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," was read the third time, and, being further amended,

Resolved, That this bill pass as amended.

Ordered, That Messrs. BRADLEY, GUNN, and FEW, be a committee to report "A bill supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.'"

The petition of William Scott, late a Captain in the Massachusetts line of the Continental Army, was presented and read, praying for an adjustment of his claim for arrears of pension.

Ordered, That the petitioner have leave to withdraw his petition.

The bill, sent from the House of Representatives for concurrence, entitled "An act to reimburse Henry Emanuel Lutterloh for expenses incurred in coming to America to join the Army of the United States," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, GUNN, SHERMAN, STRONG, and WINGATE, to consider and report thereon.

The bill, sent from the House of Representa-

tives for concurrence, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," was read the second time.

Ordered, That this bill be referred to the committee last mentioned, to consider and report thereon.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the adjustment of a claim of Joseph Henderson against the United States," was read the second time.

Ordered, That this bill be referred to the last mentioned committee, to consider generally and report thereon.

On motion,

"That a committee be appointed to report a bill, prescribing the time and manner of choosing Senators of the United States,"

It was agreed that this motion should lie until to-morrow for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," was read the third time, and amended, by inserting after the word "interest," "balances entered in the books of the Register of the Treasury."

Resolved, That this bill pass as amended.

FRIDAY, February 8.

The bill, sent from the House of Representatives for concurrence, entitled "An act to repeal part of a resolution of Congress, of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents," was read the second time.

Ordered, That this bill be referred to Messrs. RUTHERFURD, BROWN, and BRADLEY, to consider and report thereon.

The Senate proceeded to the second reading of "the bill for altering the time and place of holding the Circuit Court in the district of Vermont."

Ordered, That this bill be referred to the committee last mentioned, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act providing compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered that it pass to the second reading.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday, "that a committee be appointed to report a bill prescribing the time and manner of choosing Senators of the United States."

Ordered, That the further consideration of this motion be postponed.

The petition of William Moultrie, in behalf of

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himself and the officers and soldiers of the South Carolina line, of the late Continental Army, was presented and read, praying for further compensation for military services during the late war.

Ordered, That this petition lie on the table.

Mr. RUTHERFORD reported, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina," and the second reading of the bill was resumed.

Resolved, That this bill do not pass.

Ordered, That the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," be the order of the day for to-morrow.

Ordered, That the consideration of the report of the committee relative to the Measures and Weights of the United States, be postponed to the next session of Congress.

SATURDAY, February 9.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted."

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," was resumed; and, after debate, the consideration thereof was further postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," was read the third time.

Resolved, That this bill do not pass.

Ordered, That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

The bill sent from the House of Representatives for concurrence, entitled "An act providing compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES," was read the second time.

Ordered, That this bill pass to a third reading.

MONDAY, February 11.

The bill sent from the House of Representatives for concurrence, entitled "An act, providing compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES," was read the third time.

Resolved, That this bill pass.

Mr. BRADLEY, from the committee appointed for the purpose, reported "A bill supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by

law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the first time, and ordered to pass to the second reading.

The Senate resumed the consideration of the motion made the 7th instant, "That a committee be appointed to report a bill prescribing the time and manner of choosing Senators of the United States."

On the question to agree to this motion, it passed in the negative.

A message from the House of Representatives, informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade, and fisheries, and for regulating the same;" and that they have passed a bill, entitled "An act for the relief of Simeon Thayer," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to pass to a second reading.

The petition of Lewis Garanger, in behalf of himself and his brother, Charles Garanger, praying that the principal and interest on their certificates may be paid in specie, at the Treasury of the United States, and for the further allowance of subsistence, was read. *Ordered*, That this petition lie on the table.

Mr. KING, from the joint committee appointed the 6th February, instant, reported, that the two Houses shall assemble in the Senate Chamber on Wednesday next, at twelve o'clock; that one person be appointed a teller, on the part of the Senate, to make a list of the votes as they shall be declared; that the result shall be delivered to the PRESIDENT of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected PRESIDENT and VICE PRESIDENT, and, together with a list of the votes, be entered on the journals of the two Houses. And the report was agreed to.

TUESDAY, February 12.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Simeon Thayer," was read the second time.

Ordered, That this bill be referred to the committee appointed on the 7th of February, instant, on the bills respecting Henry Emanuel Lutterloh, and others, to consider, generally, and report thereon.

The bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the second time, and, being amended, was ordered to a third reading.

A message from the House of Representatives, informed the Senate, that the House of Representatives agree to the report of the joint committee appointed the 6th of February, instant, respecting the manner of counting the votes for PRE-

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SIDENT AND VICE PRESIDENT OF THE UNITED STATES.

Ordered, That Mr. KING be appointed, on the part of the Senate, a teller of the votes for PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, conformably to the report of the joint committee, agreed to the 11th instant.

Mr. RUTHERFURD, from the committee to whom was referred the bill, entitled "An act to repeal a part of a resolution of Congress, of the twenty-ninth of August, 1788, respecting the inhabitants of Post Saint Vincents," reported the bill without amendment. *Ordered*, That this bill pass to a third reading.

WEDNESDAY, February 13.

The bill sent from the House of Representatives for concurrence, entitled "An act to repeal part of a resolution of Congress of the twenty-ninth of August, 1788, respecting the inhabitants of Post Saint Vincents," was read the third time, and passed.

The bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time, and, after debate, the further consideration thereof was postponed.

Francis Mentges had leave to withdraw certain papers referred to in his memorial.

Ordered, That the Secretary notify the House of Representatives that the Senate are ready to meet them in the Senate Chamber, to attend the opening and counting the vote for PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, as the Constitution provides.

The two Houses having accordingly assembled, the certificates of the Electors of the fifteen States in the Union, which came by express, were, by the VICE PRESIDENT, opened, read, and delivered to the tellers appointed for the purpose, who, having examined and ascertained the votes, presented a list of them to the VICE PRESIDENT; which list was read to the two Houses, and is as follows:

FOR GEORGE WASHINGTON.

New Hampshire	-	-	-	6
Massachusetts	-	-	-	16
Rhode Island	-	-	-	4
Connecticut	-	-	-	9
Vermont	-	-	-	3
New York	-	-	-	12
New Jersey	-	-	-	7
Pennsylvania	-	-	-	15
Delaware	-	-	-	3
Maryland	-	-	-	8
Virginia	-	-	-	21
Kentucky	-	-	-	4
North Carolina	-	-	-	12
South Carolina	-	-	-	8
Georgia	-	-	-	4

FOR JOHN ADAMS.

New Hampshire	-	-	-	6
Massachusetts	-	-	-	16
Rhode Island	-	-	-	4
Connecticut	-	-	-	9
Vermont	-	-	-	3
New Jersey	-	-	-	7
Pennsylvania	-	-	-	14
Delaware	-	-	-	3
Maryland	-	-	-	8
South Carolina	-	-	-	7
				77

FOR GEORGE CLINTON.

New York	-	-	-	12
Pennsylvania	-	-	-	1
Virginia	-	-	-	21
North Carolina	-	-	-	12
Georgia	-	-	-	4
				50

FOR THOMAS JEFFERSON.

Kentucky	-	-	-	4
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FOR AARON BURR.

South Carolina	-	-	-	1
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Whereupon, the VICE PRESIDENT declared GEORGE WASHINGTON unanimously elected PRESIDENT of the UNITED STATES, for the period of four years, to commence with the fourth day of March next; and, JOHN ADAMS elected by a plurality of votes, VICE PRESIDENT OF THE UNITED STATES, for the same period, to commence with the 4th day of March next.

After which, the VICE PRESIDENT delivered the duplicate certificates of the Electors of the several States, received by post, together with those which came by express, to the Secretary of the Senate.

The two Houses then separated, and the Senate adjourned.

THURSDAY, February 14.

The petition of Woodrop and Joseph Sims was presented and read, praying to be discharged from a bond given for the payment of the duties of impost on certain goods wrecked in their passage from the port of New York to that of Philadelphia.

On motion that a committee be appointed to take this petition into consideration, it passed in the negative. *Ordered*, That the petitioners have leave to withdraw their petition.

The bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time, and, being amended,

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.'"

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

Mr. KING, from the committee appointed the 6th instant, to join the committee on the part of the House of Representatives, to report a mode of notifying the person who should be elected PRESIDENT OF THE UNITED STATES of his election, submitted the following resolve:

Resolved, That a committee be appointed, to join such committee as shall be appointed by the House of Representatives, to wait on the PRESIDENT and notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

And the report was adopted. *Ordered*, That Messrs. KING, IZARD, and STRONG, be the committee on the part of the Senate.

Mr. FEW, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," reported the bill with amendments, which were adopted, and the bill was amended accordingly; and ordered to a third reading.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury, with sundry statements, in pursuance of the order of the Senate of the 23d of January last; which were read.

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

A message from the House of Representatives informed the Senate that the House of Representatives have adopted the report of the joint committee, appointed the 6th instant, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, and for other purposes; and have appointed a joint committee on their part to wait on the PRESIDENT and notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

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

FRIDAY, February 15.

The bill sent from the House of Representatives for concurrence, entitled "An act to promote the progress of the Useful Arts, and to repeal the act heretofore made for that purpose," was read the third time.

Resolved, That this bill pass with amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick," was read the second time.

Ordered, That this bill be referred to the committee, appointed the 7th instant, on the bills respecting Henry Emanuel Lutterloh and others, to consider generally, and report thereon.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to refund to Jacob Bell certain duties on pickled fish;" in which they desire the concurrence of the Senate.

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

Mr. ELLSWORTH, from the committee to whom was referred, on the 7th instant, sundry bills sent from the House of Representatives for concurrence, reported the bill, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," with amendments.

The second reading of the bill was resumed; and, after debate, the further consideration of the bill, and the report thereon, were postponed.

Mr. ELLSWORTH reported, from the same committee, on the bill, entitled "An act to reimburse Henry Emanuel Lutterloh for expenses incurred in coming to America, to join the Army of the United States."

The Senate resumed the second reading of this bill.

Resolved, That it do not pass.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. ELLSWORTH reported, from the same committee, on the bill, entitled "An act for the relief of Simeon Thayer;" and the Senate resumed the second reading of the bill; and, after debate,

Ordered, That the further consideration thereof be postponed.

Mr. ELLSWORTH also reported, from the same committee, on the bill, entitled "An act to authorize the adjustment of a claim of Joseph Henderson against the United States," that the bill pass without amendment; and the report was adopted.

The Senate resumed the second reading of this bill.

Ordered, That it pass to the third reading.

Mr. KING, from the joint committee appointed for the purpose, reported,

"That, pursuant to the resolutions of the 14th instant, the joint committee of the Senate and House of Representatives have this day waited on the PRESIDENT, and notified him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES."

MONDAY, February 18.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose."

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the adjustment of a claim of Joseph Henderson against the United States," was read the third time.

The bill sent from the House of Representa-

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tives for concurrence, entitled "An act to refund to Jacob Bell certain duties on pickled fish," was read the second time.

Ordered, That this bill be referred to Messrs. FOSTER, MONROE, and CABOT, to consider generally and report thereon.

The petition of Arthur St. Clair was presented and read, stating that, in the performance of sundry services prescribed to him by Congress, he made disbursements and contracted debts which considerably exceeded the sums placed in his hands; and praying that the officers of the Treasury may be empowered equitably to adjust his accounts.

Ordered, That this petition lie on the table.

The memorial of the Directors of the Library Company of Philadelphia, and of the Trustees of the Loganian Library, was presented and read, praying that a law be passed exempting from any duty or impost books imported for those and all other similar institutions.

Ordered, That this memorial lie on the table.

The memorial of the French inhabitants of Gallipolis was presented and read, praying the interposition of Government in confirming their titles to certain lands purchased of William Duer, agent for the Scotia Company; and an indemnification for certain losses and damages, referred to in their petition.

Ordered, That this petition lie on the table.

Mr. KING reported, from the managers on the part of the Senate, at the conference on the subject-matter of the amendments depending between the two Houses, to the bill, entitled "An act to regulate the claims to Invalid Pensions:"

"That, on conferring with the managers on the part of the House of Representatives, the managers on the part of the House agreed to recommend to the House, to recede from their disagreement to the last amendment proposed by the Senate, but, that the managers from the two Houses did not agree to any report respecting the amendment proposed by the Senate to the 4th section of the bill.

"Whereupon, the managers on the part of this House recommended that the Senate do recede from their amendment to the 4th section, so far as respects the words proposed to be inserted in lieu of the words proposed to be expunged; and that they do insist on their amendment, so far as respects the striking out of the words proposed to be struck out in the said 4th section.

"And that the Senate do also insist on their last amendment."

And the report was agreed to.

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

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

I now lay before you a report and plat of the Territory of the United States on the Potomac, as given in by the Commissioners of that Territory, together with a Letter from the Secretary of State, which accompanied them. These papers being original, are to be again deposited with the records of the Department of State, after having answered the purpose of your information.

G. WASHINGTON.

UNITED STATES, February 18, 1793.

Ordered, That this Message lie on the table.

2d CON.—22

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury of this date, with copies of sundry communications lately made to the House of Representatives, containing further information on subjects which appear to have been objects of inquiry before the Senate; which Letter and papers being read,

Ordered, That they lie for consideration.

The petition of William Hardy was presented and read, praying compensation for services performed at New York as an Inspector, under the existing revenue laws.

Ordered, That this petition lie on the table.

On motion to adopt the following resolution, to wit:

Resolved, That the Secretary of the Treasury be instructed to revise the account of the pension granted by Congress for the education and board of Hugh Mercer, son of the late General Mercer, from its date to the present period, and correct any error that may have taken place therein, paying all arrearages, if any now due; and that he likewise pay hereafter without account, annually, and until his education shall be completed, for that purpose, to the guardian of the said Hugh, the sum of four hundred dollars.

It was agreed to postpone the consideration of this motion until to-morrow.

The memorial of a number of the inhabitants of the States of Connecticut and Rhode Island was presented and read, praying that a light-house may be erected, at the expense of the United States, on Watch Hill, in the State of Rhode Island.

Ordered, That this memorial be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The Senate resumed the consideration of the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," which being adopted, the bill was amended accordingly.

Ordered, That this bill pass to a third reading

TUESDAY, February 19.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," was read the third time.

Resolved, That this bill pass with an amendment.

The Senate proceeded to the consideration of the motion made yesterday, respecting the education of the son of the late General Mercer.

Ordered, That this motion be referred to Messrs. MONROE, ELLSWORTH, and BUTLER, to consider and report thereon.

Mr. ELLSWORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to

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regulate trade and intercourse with the Indian tribes," reported amendments.

Ordered, that the amendments be printed for the use of the Senate.

A message from the House of Representatives informed the Senate, that they had sent to the Senate a plat of the Territory of the United States on the Potomac, as given in by the Commissioners of that Territory, and which was referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 18th instant.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793;" and it was agreed to amend the third section.

And, on the question to agree to the third section, amended to read as follows:

"Sec. 3. *And be it further enacted*, That the President of the United States be authorized to borrow, on account of the said States, any sum or sums, not exceeding in the whole eight hundred thousand dollars, at a rate of interest not exceeding five per cent. per annum, and reimbursable at the pleasure of the United States, to be applied for the purpose aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, 1793; and that it shall be lawful for the Bank of the United States to lend the said sum. And the President of the United States shall cause so much of the loan made of the Bank of the United States, pursuant to the 11th section of the act by which it is incorporated, to be paid off in sums not less than fifty thousand dollars, as in his opinion the state of the Treasury may, from time to time, admit, out of any moneys which may be in the Treasury, having due regard to the exigencies of Government, and the appropriations made and to be made by law."

It passed in the affirmative—yeas 19, nays 9, as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Dickinson, Ellsworth, Foester, Gunn, Johnston, Izard, King, Langdon, Morris, Read, Rutherford, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Brown, Butler, Edwards, Few, Hawkins, Henry, Monroe, Robinson, and Taylor.

Ordered, That this bill pass to a third reading.

WEDNESDAY, February 20.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was read the third time.

Resolved, That this bill pass as amended.

A motion was made that the Senate adopt the following resolution, to wit:

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

"The Judicial power of the United States shall not extend to any suits in law or equity, commenced or

prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

Ordered, That the amendments reported by the committee on the bill sent from the House of Representatives for concurrence entitled "An act to regulate trade and intercourse with the Indian tribes" be the order of the day for to-morrow.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States."

THURSDAY, February 21.

A message from the House of Representatives informed the Senate that the House of Representatives have reconsidered the amendments depending between the two Houses to the bill entitled "An act to regulate the claims to Invalid Pensions," together with the report of the committee of conference on the subject-matter of the said amendments; and adhere to their disagreement to the amendment insisted on by the Senate to the 4th section of the said bill; and recede from their disagreement to the amendment insisted on by the Senate to the 5th section of the said bill; and that they have passed the bill sent to the House of Representatives for concurrence, entitled "An act in addition to the act entitled 'An act to establish the Judicial Courts of the United States,' with amendments; in which they desire the concurrence of the Senate.

Mr. RUTHERFORD reported, from the committee appointed for the purpose, "a bill authorizing the settlement of the demands of Anthony Walton White against the United States."

Ordered, That this bill lie on the table.

FRIDAY, February 22.

The bill "authorizing the settlement of the demands of Anthony Walton White against the United States" was read the first time, and ordered to pass to the second reading.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act in addition to the act entitled 'An act to establish the Judicial Courts of the United States;'" and, after debate,

Ordered, That the further consideration thereof be postponed.

The Senate took into consideration the resolution of the House of Representatives adhering to their disagreement to the amendment insisted on by the Senate to the 4th section of the bill entitled "An act to regulate the claims to Invalid Pensions;" and, after debate,

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 sent from the House of Representatives for concurrence entitled "An act to

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regulate trade and intercourse with the Indian tribes," and adopted the same in part.

Ordered, That the further consideration thereof be postponed.

SATURDAY, February 23.

Mr. EDWARDS notified the Senate that he should on Monday move for leave to bring in a "bill to authorize the PRESIDENT OF THE UNITED STATES to establish two or more small posts in the wilderness, on the road leading from Kentucky and the other Western settlements, to the Eastern settlements of the United States, for the purpose of protecting and facilitating trade and friendly intercourse between the citizens of the said settlements."

Mr. KING, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce," reported amendments, which were adopted; and the bill was amended accordingly.

It was agreed, by unanimous consent, that the rule be so far dispensed with as that this bill be now read the third time.

Resolved, That this bill pass as amended.

Ordered, That the consideration of the motion made the 20th instant respecting an additional article of amendment to the Constitution of the United States be the order of the day for Monday next.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act fixing the time for the next annual meeting of Congress;" also, a bill entitled "An act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties which have heretofore accrued on such importations, in the cases where they have only been secured to be paid;" in which they desire the concurrence of the Senate.

These bills were severally read the first time, and ordered to pass to the second reading.

The bill "authorizing the settlement of the demands of Anthony Walton White against the United States" was read the second time.

On the question to agree to the enacting clause of the bill, it passed in the negative.

Ordered, That this bill pass to the third reading.

The Senate again took into consideration their amendments disagreed to by the House of Representatives, and insisted on by the Senate, to the bill entitled "An act to regulate the claims to Invalid Pensions."

On the question to recede from their said amendment, it passed in the affirmative—yeas 15, nays 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Dickinson, Edwards, Few, Gunn, Hawkins, Izard, Monroe, Morris, Potts, Rutherford, and Taylor.

NAYS.—Messrs. Bassett, Cabot, Ellsworth, Foster,

Henry, Johnston, King, Langdon, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

Ordered, That the Secretary communicate this resolution to the House of Representatives.

A message from the House of Representatives informed the Senate that the House of Representatives concur in the bill sent from the Senate, entitled "An act in addition to, and alteration of, an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States.'"

Mr. RUTHERFORD, from the committee appointed to take into consideration the bill "for altering the time and place of holding the Circuit Court in the district of Vermont," reported sundry amendments, which were read, and adopted, and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.

The amendments of the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" were taken into consideration; and, after progress, the further consideration thereof was postponed.

MONDAY, February 25.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians under the sanction of flags of truce." They disagree to the fifth amendment of the Senate to the 2d section of the bill, entitled "An act making appropriations for the support of Government for the year 1793;" and agree to all the other amendments to the said bill.

The Senate proceeded to consider their fifth amendment, disagreed to by the House of Representatives, to the bill last mentioned.

Resolved, That the Senate recede from their said amendment.

The bill, sent from the House of Representatives for concurrence, entitled "An act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties which have heretofore accrued on such importations, in the cases where they have only been secured to be paid," was read the second time, and amended.

On motion, it was agreed, by unanimous consent, so far to dispense with the rule as that this bill be now read the third time.

Resolved, That this bill pass as amended.

The bill for altering the time and place of holding the Circuit Court in the district of Vermont 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 altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes."

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Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," was read the second time, and amended.

Ordered, That this bill pass to the 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 for concurrence, entitled "An act to regulate trade and intercourse with the Indian tribes;" and, having amended the report, it was adopted, and the bill amended accordingly.

Ordered, That this bill pass to the third reading.

Mr. MONROE, from the committee to whom was referred the motion, made the 18th instant, respecting the education of the son of the late General Mercer, reported a bill, which was read the first time.

Ordered, That this bill pass to a second reading.

Mr. EDWARDS, agreeably to notification on the 23d instant, obtained leave to bring in "A bill to authorize the PRESIDENT OF THE UNITED STATES to establish two or more small posts in the wilderness, on the road leading from Kentucky and the other Western settlements, to the Eastern settlements of the United States;" which was read the first time, and ordered to pass to the second reading.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States.'"

Resolved, That they concur therein with amendments.

Mr. MONROE, from the committee to whom was referred the bill to explain and amend an act, entitled "An act to enable the officers and soldiers of the Virginia line, on the Continental establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miamis and Sciota," reported, that the further consideration thereof be postponed until the next session of Congress.

And the report was agreed to.

On motion, to refer the memorial of Lachlan McIntosh, in behalf of himself and the officers and soldiers of the Georgia line of the late Army, for further compensation for their services during the late war, to a committee, to consider and report thereon; it passed in the negative.

Ordered, That Lachlan McIntosh have leave to withdraw his memorial.

On motion,

That the Secretary of the Senate call on the Secretary of the Treasury for a report on the petition of Arthur Hewes, referred to him on the 9th of November last; it passed in the negative.

Mr. ELLSWORTH reported from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick."

Ordered, That this report lie until to-morrow for consideration.

The third reading of "the bill authorizing the settlement of the demands of Anthony Walton White against the United States," was further postponed.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed."

The Senate resumed the consideration of the motion, made the 20th instant, respecting an additional article of amendment to the Constitution of the United States.

On motion, to postpone the consideration thereof to the next session of Congress, it passed in the negative.

And, after debate, the further consideration thereof was postponed.

TUESDAY, February 26.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate trade and intercourse with the Indian tribes," was read the third time.

On motion to strike out the word 'proper,' from the following clause of the first section:

"Which superintendent, or person so authorized, shall, on application, issue such license, for a term not exceeding two years, to any proper person; who shall enter into bond, with one or more sureties, approved of by the superintendent or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars:"

It passed in the negative—yeas 11, nays 16, as follows:

YEAS.—Messrs. Burr, Cabot, Edwards, Few, Gunn, Hawkins, Johnston, Monroe, Morris, Strong, and Taylor.

NAYS.—Messrs. Bassett, Brown, Butler, Dickinson, Ellsworth, Foster, Henry, Izard, King, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, and Wingate.

On motion it was agreed to substitute the following, for the 7th section stricken out:

"*And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horses to or from any Indian, and that any person offending herein shall forfeit one thousand dollars, and be imprisoned, at the discretion of the Court before which the conviction shall be had, not exceeding twelve months."

Resolved, That this bill pass with the amendments.

"The bill to authorize the PRESIDENT OF THE UNITED STATES to establish two or more small posts in the wilderness, on the road leading from Kentucky," was read the second time.

Ordered, That this bill be referred to Messrs. EDWARDS, STRONG, and KING, to consider and report thereon.

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A message from the House of Representatives informed the Senate that the House of Representatives concur in the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,' with amendments; in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," was read the third time.

Resolved, That this bill pass as amended.

Mr. ELLSWORTH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," reported amendments, which were considered; and, after debate,

Ordered, That the further consideration thereof be postponed.

WEDNESDAY, February 27.

The Senate proceeded to consider the amendments of the House of Representatives to the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,' and agreed to some of the said amendments.

It was agreed to reconsider the second amendment, and that this, with the amendments subsequent thereto, be referred to Messrs. KING, MORRIS, and CABOT, to consider and report thereon.

Mr. EDWARDS reported, from the committee appointed to consider "the bill to authorize the PRESIDENT OF THE UNITED STATES to establish two or more posts in the wilderness, on the road leading from Kentucky."

Resolved, That this bill do not pass.

The bill "respecting the education of the son of the late General Mercer," was read the second time.

It was agreed by unanimous consent, that the rule be so far dispensed with, as 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 providing an annual allowance for the education of Hugh Mercer."

The third reading of "the bill authorizing the settlement of the demands of Anthony Walton White against the United States," was resumed.

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to authorize a grant of land to the French inhabitants of Gallipolis;" also, a bill, entitled "An act mak-

ing an appropriation to defray the expenses of a treaty with the Indians Northwest of the Ohio;" in which several bills they desire the concurrence of the Senate.

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

Ordered, That this bill be referred to Messrs. ELLSWORTH, BROWN, and BURR, to consider and report thereon.

The bill sent from the House of Representatives for concurrence, entitled "An act making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio," was read the first time, and ordered to pass to the second reading.

The Senate resumed the consideration of the Report of the Committee on the bill sent from the House of Representatives for concurrence, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" and the report being adopted, the bill was amended accordingly.

It was agreed, by unanimous consent, so far to dispense with the rule as that this bill be now read the third time.

Resolved, That this bill pass as amended.

The VICE PRESIDENT laid before the Senate a Report of the Secretary of the Treasury, on the salaries, fees, and emoluments, of persons holding civil offices under the United States, pursuant to the order of the Senate of the 7th of May, 1792; which was read.

Ordered, That it lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress;" they agree to their amendments to the bill, entitled "An act to regulate trade and intercourse with the Indian tribes;" they agree to the amendments of the Senate to their amendments, with an amendment to the bill sent from the Senate, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States;' in which they desire the concurrence of the Senate.

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

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you a copy of an exemplification of an Act of the Legislature of New York, ceding to the United States the jurisdiction of certain lands on Montauk Point, for the purpose mentioned in said act; and a copy of a Letter from the Governor of New York to the Secretary of State, which accompanied said exemplification.

G. WASHINGTON.

UNITED STATES, February 27, 1793.

Ordered, That the Message and papers lie on the table.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his specie accounts, passed at the Treasury, up to the 31st of December, 1792.

Ordered, That the Letter and papers therein referred to lie on file.

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The Senate proceeded to consider the amendment of the House of Representatives to the amendments of the Senate to their amendments to the bill, entitled "An act in addition to the act, entitled, 'An act to establish the Judicial Courts of the United States.'"

Resolved, That the Senate agree to the said amendment.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress."

Resolved, That they adhere to their amendments to the said bill.

The VICE PRESIDENT laid before the Senate the Report of the Secretary of War on the petition of Charles Knowles and others, Paymasters of the line of the late Army.

Ordered, That the petition and report be referred to Messrs. CABOT, ELLSWORTH, and MONROE, to consider and report thereon.

THURSDAY, February 28.

The bill sent from the House of Representatives for concurrence, entitled "An act making an appropriation to defray the expense of a Treaty with the Indians Northwest of the Ohio," was read the second time; and, by unanimous consent, the bill was read the third time and passed.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury of the 27th instant, with sundry statements of exports, imports, and tonnage; which letter was read.

Ordered, That the Letter and statements therein referred to lie on the table.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."

A message from the House of Representatives informed the Senate, that the House of Representatives insist on their disagreement to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress;" ask a conference on the subjects of disagreement between the two Houses, and have appointed managers on their part: and that they have passed a bill, entitled "An act directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents;" a bill entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers;" also, a bill entitled "An act providing for the payment of the first instalment due on a loan made of the Bank of the United States;" in which several bills they desire the concurrence of the Senate.

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

The petition of John McLane, Attorney to Ag-

nus McLane, was read, stating that the compensation of the said Agnus, for military services during the late war, was drawn on a forged order by one Samuel Abbot, without the knowledge or consent of the said Agnus; and praying relief.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon.

The Senate proceeded to consider the resolution of the House of Representatives insisting on their disagreement to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress," and asking a conference on the said amendments.

Resolved, That the Senate agree to the proposed conference, and that Messrs. GUNN, TAYLOR, and LANGDON, be the managers on the part of the Senate.

The Senate resumed the consideration of the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick."

On motion, that the report of the committee of the House of Representatives on this subject be read in Senate; it passed in the negative.

On the question to agree to the report, and that the bill be rejected; it passed in the negative.

Ordered, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, sent from the Senate for concurrence, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes," 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 last mentioned.

Resolved, That they concur therein.

Mr. KING, from the committee appointed to consider the amendments of the House of Representatives to the bill sent from the Senate for concurrence, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" reported an amendment to the amendment, which was adopted.

The VICE PRESIDENT laid before the Senate a certificate, purporting that the Legislature of the Commonwealth of Pennsylvania have this day chosen ALBERT GALLATIN a Senator of the United States.

Ordered, That this certificate lie on file.

The memorial of Samuel Brown and others, fishermen, was presented and read, stating that they are principally employed in the mackerel fishery, and praying that the drawback allowed on the exportation of cod fish may be extended to pickled fish in general.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a

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Letter from the Secretary of the Treasury, of this date, referring to sundry statements exhibiting the quantity of the various articles of exports to the Home and to the Colonial dominions of all the foreign nations with whom the United States have commercial intercourse; which Letter was read.

Ordered, That the Letter and papers to which it refers lie on file.

FRIDAY, March 1.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a PRESIDENT *pro tempore*, as the Constitution provides, and JOHN LANGDON was duly elected.

Ordered, That the Secretary wait on the PRESIDENT OF THE UNITED STATES, and lay before him an attested copy of this proceeding.

Ordered, That the Secretary notify the House of Representatives of this election of a PRESIDENT *pro tempore*.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act for extending the time for receiving on loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three;" in which the concurrence of the Senate is desired. They agree to the amendment of the Senate to their amendment to the bill, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;'" and that they have passed the bill, sent from the Senate for concurrence, entitled "An act providing an annual allowance for the education of Hugh Mercer."

The bill, sent from the House of Representatives for concurrence, entitled "An act for extending the time for receiving on loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three," was read the first time; and, by unanimous consent, it was read the second and third times.

Resolved, That the Senate concur in this bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, BUTLER, and CABOT, to consider and report thereon.

The PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, enclosing a triplicate certificate of the votes of the Electors of the State of Kentucky for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, obtained by express, sent from the Seat of Government, as the law provides.

Ordered, That the Letter and papers lie on file.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing for the payment of the first instalment due on a loan made of the Bank of the United States," was read the second time; and, by unanimous consent, was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," was read the second time; and, by unanimous consent, was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick," was read the third time, and passed.

Mr. CABOT, from the Committee appointed to consider the Report of the Secretary of War, on the petition of the Paymasters of the Massachusetts line of the late Army, reported a bill, which was read the first time; and, by unanimous consent, was read the second and third times.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act providing for the compensation of Ebenezer Storer."

Ordered, That Mr. RUTHERFORD be appointed a manager at the conference on the disagreeing votes of the two Houses on the bill sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," in place of Mr. LANGDON, elected President *pro tempore*.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Simeon Thayer," was read the second time, and amended.

Ordered, That this bill pass to the third reading.

The petition of John Fisk and others, in behalf of the Marine Society of Salem, in the Commonwealth of Massachusetts, was presented and read, praying that a light-house may be constructed at the North end of Baker's island, near Salem, within the State aforesaid; and that due provision may be made, at the expense of the United States, for maintaining and supporting the same.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The PRESIDENT laid before the Senate the petition of Samuel Stearns, praying compensation as a physician to certain invalid officers during the late war; which was read, and ordered to lie on the table.

SATURDAY, March 2.

The PRESIDENT notified the Senate that the PRESIDENT OF THE UNITED STATES proposes to take the oath of office on Monday next, at 12 o'clock, in the Senate Chamber.

Ordered, That this communication be referred to the committee appointed on the part of the Senate the 6th of February last, to consider and report thereon.

A message from the House of Representatives

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informed the Senate that the House of Representatives have passed a bill, entitled "An act making certain appropriations therein mentioned," in which they desire the concurrence of the Senate. The PRESIDENT OF THE UNITED STATES hath notified the House of Representatives, that he this day approved and signed "An act making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio."

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Simeon Thayer," was read the third time.

On motion to postpone the consideration of this bill to the next session of Congress, it passed in the negative.

On motion to concur in this bill as amended, it passed in the affirmative—yeas 17, nays 7, as follows:

YEAS.—Messrs. Bassett, Burr, Dickinson, Edwards, Few, Foster, Gunn, Henry, Johnston, Isard, Monroe, Morris, Potts, Read, Rutherford, Stanton, and Taylor.

NAYS.—Messrs. Brown, Butler, Cabot, Ellsworth, Hawkins, King, and Sherman.

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

Mr. ELLSWORTH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act directing the officers of the Treasury to pass to the credit of John Banks the sum of \$9,768 90," reported that the committee be discharged; and the report was agreed to.

Ordered, That the petition of James Warrington, on which the bill last mentioned was originated, be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

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

A motion was made and seconded, to propose to the Legislatures of the several States the following amendments to the Constitution of the United States, to wit:

"Article 1, section 8, after the words 'general welfare of the United States,' add, 'in the cases herein-after particularly enumerated.' And at the end of the section, add, 'but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied.'

"Section 9. Every tax shall be deemed direct, other than taxes on imports, excises, transfers of property, and law proceedings.' At the end of the section, add, 'no member of Congress shall be eligible to any office of profit under the authority of the United States, nor shall any person intrusted with the management of money of the United States, or concerned in the direction or management of any bank or other moneyed corporation within the United States, be capable of a seat in either House of Congress.'

"Article 3, section 1. After the words 'ordain and establish,' add, 'or in such of the State courts as the Congress shall deem fit.'"

Ordered, That these propositions lie on the table.

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

certain appropriations therein mentioned" was read the first time, and, by unanimous consent, read the second and third times and passed.

Mr. KING, from the committee appointed this day on the communication of the PRESIDENT OF THE UNITED STATES relative to his taking the oath of office, reported that the Secretary inform the House of Representatives that the PRESIDENT OF THE UNITED STATES will, on Monday next, take the oath of office required by the Constitution, in the Senate Chamber, at 12 o'clock; and that he inform the PRESIDENT OF THE UNITED STATES that the Senate will be in session at that time. And the report was adopted.

The Senators of the State of Georgia, in pursuance of a law of the said State, executed a deed of cession to the United States of the light-house on Tybee Island; which was ordered to lie on file.

Mr. FOSTER reported, from the committee to whom was referred the bill sent from the House of Representatives for concurrence entitled "An act to refund to Jacob Bell certain duties on pickled fish."

Resolved, That this bill do not pass.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act making addition to the compensation of certain public officers;" in which they desire the concurrence of the Senate.

On motion that the consideration of this bill be postponed to the next session of Congress, it passed in the negative.

It was agreed, by unanimous consent, that this bill be now read the third time.

Resolved, That this bill pass.

Mr. ELLSWORTH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence entitled "An act to authorize a grant of land to the French inhabitants of Gallipolis," reported an amendment; which was disagreed to.

On motion to postpone the further consideration of this bill to the next session of Congress, it passed in the negative.

On motion that this bill pass to the third reading, it passed in the negative.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives informed the Senate that the House of Representatives disagree to the amendment of the Senate to the bill entitled "An act for the relief of Simeon Thayer;" they have postponed the consideration of the bill sent from the Senate entitled "An act providing for the compensation of Ebenezer Storer" to the next session of Congress.

Mr. GUNN, from the managers at the conference on the part of the Senate, on the disagreeing votes of the two Houses on the bill sent from the House of Representatives for concurrence entitled "An act fixing the time for the next annual meeting of Congress," reported that, having conferred with the managers on the part of the House of Representatives, they could not come to any agreement.

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[SENATE.]

A message from the House of Representatives informed the Senate that the House of Representatives have adjourned until 7 o'clock this evening.

On motion to recede from the amendment disagreed to by the House of Representatives to the bill entitled "An act for the relief of Simeon Thayer," it passed in the affirmative.

The petition of Barent I. Staats was read, stating that he advanced money to one of the Quartermasters of the late Army, to enable him to compensate certain teamsters employed in the public service, and for which advance he has not been reimbursed, but is excluded therefrom by the acts of limitation, and praying relief.

Ordered, That this petition lie on the table.

SATURDAY EVENING, 7 o'clock.

The memorial of the Secretary of the Senate and the Clerk of the House of Representatives was read, stating that, from the enhanced prices of all the necessaries of life, their respective stipends are become inadequate, and praying further compensation.

Ordered, That this memorial lie on the table.

Ordered, That the petition of the French settlers at Gallipolis be referred to the Attorney General, to examine and report to the Senate, at the next session of Congress, upon the validity of their claims to lands under purchases of the Ohio or Sciota Companies, or other persons; together with his opinion of the means proper to be pursued by them for the obtainment of justice.

Ordered, That the Secretary return all original papers not addressed to the Senate, which have been laid before them during the present session by the PRESIDENT or by any of the Heads of Departments.

Ordered, That the Secretary notify the House of Representatives that the Senate, having finished the Legislative business before them, are ready to adjourn.

A message from the House of Representatives informed the Senate that the House of Representatives have appointed a committee, jointly with a committee on the part of the Senate, to wait on the PRESIDENT OF THE UNITED STATES, and inform him that Congress is ready to adjourn without day, unless he may have any further communications to make; in which they desire the concurrence of the Senate, and the appointment of a committee on their part.

Resolved, That the Senate concur in the foregoing resolution, and that Messrs. JOHNSTON and RUTHERFURD be the joint committee on their part.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. JOHNSTON reported, from the joint committee last mentioned, that they had waited on the PRESIDENT OF THE UNITED STATES, who informed the committee that he had no further communications to make to Congress at this time.

Whereupon, the Senate then adjourned without day.

SPECIAL SESSION.

MONDAY, March 4.

In conformity to the summons from the PRESIDENT OF THE UNITED STATES, the Senate assembled in the Senate Chamber.

The HON. JOHN LANGDON, President *pro tempore*, read the summons of the PRESIDENT OF THE UNITED STATES, as follows:

*The President of the United States
to the President of the Senate:*

Certain matters, touching the public good, requiring that the Senate shall be convened on Monday, the 4th instant, I have desired their attendance, as I do yours, by these presents, at the Senate Chamber, in Philadelphia, on that day; then and there to receive and deliberate on such communications as shall be made to you on my part.

G. WASHINGTON.

MARCH 1, 1793.

The following Senators were present:

JOHN LANGDON, from New Hampshire;
GEORGE CABOT, from Massachusetts;
THEODORE FOSTER, from Rhode Island;
OLIVER ELLSWORTH and ROGER SHERMAN, from Connecticut;
RUFUS KING, from New York;
JOHN RUTHERFURD, from New Jersey;
ROBERT MORRIS, from Pennsylvania;
GEORGE READ, from Delaware;
JOHN HENRY and RICHARD POTTS, from Maryland;
JAMES MONROE, from Virginia;
JOHN BROWN and JOHN EDWARDS, from Kentucky;
BENJAMIN HAWKINS, from North Carolina;
RALPH IZARD, from South Carolina;
JAMES GUNN, from Georgia.
SAMUEL LIVERMORE, from the State of New Hampshire, produced his credentials, and took his seat in the Senate; and the oath was administered to him by the PRESIDENT of the Senate, as the law provides.

Agreeably to notice given by the PRESIDENT OF THE UNITED STATES, on the 2d instant, he came to the Senate Chamber, and took his seat in the Chair usually assigned the PRESIDENT of the Senate, who, on this occasion, was seated at the right and in advance of the PRESIDENT OF THE UNITED STATES; a seat on the left; and also in advance, being provided for Judge CUSHING, appointed to administer the Oath; the doors of the Senate Chamber being open, the Heads of the Departments, Foreign Ministers, the late Speaker, and such Members of the late House of Representatives as were in town, together with as many other spectators as could be accommodated, were present.

After a short pause, the PRESIDENT of the Senate arose, and addressed the PRESIDENT OF THE UNITED STATES, as follows:

"SIR: One of the Judges of the Supreme Court of the United States is now present, and ready to administer to you the oath required by the Constitution to be taken by the PRESIDENT OF THE UNITED STATES."

SENATE.]

Inauguration.

[MARCH, 1793.

On which the PRESIDENT OF THE UNITED STATES, rising from his seat, was pleased to address the audience as follows:

“FELLOW-CITIZENS: I am again called upon, by the voice of my country, to execute the functions of its Chief Magistrate. When the occasion proper for it shall arrive, I shall endeavor to express the high sense I entertain of this distinguished honor, and of the confidence which has been reposed in me by the people of United America.

“Previous to the execution of any official act of the PRESIDENT, the Constitution requires an oath of office. This oath I am now about to take, and in your pre-

sence; that, if it shall be found, during my administration of the Government, I have, in any instance, violated, willingly or knowingly, the injunction thereof, I may (besides incurring Constitutional punishment) be subject to the upbraidings of all who are now witnesses of the present solemn ceremony.”

Judge CUSHING then administered the oath of office required by the Constitution; after which, the PRESIDENT OF THE UNITED STATES retired, and the spectators dispersed.

After acting upon several nominations received from the PRESIDENT, the Senate adjourned, *sine die*.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF
PHILADELPHIA, NOVEMBER 5, 1792.

MONDAY, November 5, 1792.

This being the day appointed by law for the meeting of the present Congress, the following members appeared, produced their credentials, and took their seats:

From New Hampshire, NICHOLAS GILMAN, SAMUEL LIVERMORE, and JEREMIAH SMITH.

From Massachusetts, FISHER AMES, SHEAR-JASHUB BOURNE, ELBRIDGE GERRY, BENJAMIN GOODHUE, GEORGE THATCHER, and ARTEMAS WARD.

From Rhode Island, GEORGE LEONARD, BENJAMIN BOURNE.

From Connecticut, AMASA LEARNED, JONATHAN STURGES, and JONATHAN TRUMBULL, (Speaker.)

From Vermont, NATHANIEL NILES and ISRAEL SMITH.

From New York, EGBERT BENSON, JOHN LAURANCE, and THOMAS TREDWELL.

From New Jersey, ELIAS BOUDINOT, ABRAHAM CLARK, and JONATHAN DAYTON.

From Pennsylvania, THOMAS FITZSIMONS and FREDERICK AUGUSTUS MUHLENBERG.

From Maryland, PHILIP KEY and WILLIAM VANS MURRAY.

From Virginia, WILLIAM B. GILES, JAMES MADISON, ANDREW MOORE, JOSIAH PARKER, ABRAHAM VENABLE, and ALEXANDER WHITE.

From North Carolina, NATHANIEL MAOON, JOHN STEBLE, and HUGH WILLIAMSON.

From South Carolina, WILLIAM SMITH, THOMAS SUMPTER, and THOMAS TUDOR TUCKER.

From Georgia, ABRAHAM BALDWIN and FRANCIS WILLIS.

A quorum of members being present, a message was sent to the Senate to inform that body thereof. And a similar message was received by the House, from the Senate; and that JOHN LANGDON had been chosen their President *pro tempore*.

A joint committee were then appointed to wait on the PRESIDENT OF THE UNITED STATES, to inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may think proper to make them.

Resolved, That two Chaplains, of different denominations, be appointed to Congress, one by each House, to interchange weekly.

The House then proceeded to appoint a Chaplain on their part, when a majority of votes appeared in favor of the Reverend ASHBEL GREEN.

The SPEAKER laid before the House a Letter from the Governor of Georgia, enclosing a proclamation and return of the election of JOHN MILLEDGE, to serve as one of the members of this House for the said State, in the room of ANTHONY WAYNE, whose seat was declared vacant; which was read, and ordered to lie on the table.

A petition of sundry merchants of the city of Charleston, in the State of South Carolina, was presented to the House and read, praying that Congress will pass a law to restrain the proceedings, and reduce the fees in the Court of Admiralty of the United States in the said State; as, also, to admit of other security being taken, to the satisfaction of the Judge of the Court, in small and trivial causes brought by seamen or others against vessels in the merchants' service.

Ordered, That the said petition be referred to Mr. WILLIAM SMITH, Mr. LAURANCE, and Mr. WHITE, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BOUDINOT, from the joint committee appointed to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled and ready to receive any communications he may be pleased to make to them, reported that the committee had performed that service, and that the PRESIDENT was pleased to say, that he would make a communication to both Houses of Congress to-morrow, at twelve o'clock, in the Senate Chamber.

TUESDAY, November 6.

Several other members, viz: from New York, JAMES GORDON; from Pennsylvania, JOHN WILKES KITTERA; and from Virginia, SAMUEL GRIFFIN and JOHN PAGE, appeared and took their seats in the House.

A message from the Senate informed the House that the Senate are now ready, in the Senate Chamber, to attend this House in receiving the communication from the PRESIDENT OF THE UNITED STATES, agreeably to his notification to both Houses yesterday.

The SPEAKER, attended by the members of this House, then withdrew to the Senate Chamber for the purpose expressed in the message from the Senate; and, being returned, the SPEAKER laid before the House a copy of the Speech delivered

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Defeat of General St. Clair—Answer to the President.

[NOVEMBER, 1792.]

by the PRESIDENT OF THE UNITED STATES to both Houses of Congress, in the Senate Chamber. [A copy of the Speech appears in the proceedings of the Senate.]

Ordered, That the said Speech be committed to the consideration of a Committee of the Whole House to-morrow.

WEDNESDAY November 7.

Several members, to wit: from New York, CORNELIUS C. SCHOONMAKER; from New Jersey, AARON KITCHELL; from Pennsylvania, DANIEL HEISTER; and from Virginia, RICHARD BLAND LEE, appeared, and took their seats in the House.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his accounts of the receipts and expenditures of the public moneys, from the 1st of January, 1792, to the 30th of September following, inclusive; which was read, and ordered to lie on the table.

Mr. SPEAKER laid before the House a Letter from Mr. Meredith, Treasurer of the United States, enclosing several accounts of the receipts and expenditure of the public money. Ordered to be printed (100 copies) for the use of the members.

Mr. GOODHUE moved for a committee, to bring in a bill for registering ships and vessels, and regulating those employed in the coasting trade.

Ordered, That Messrs. GOODHUE, FITZSIMONS, and PARKER, be the committee.

Mr. WHITE presented a memorial from Joseph Barnes, attorney for James Rumsey, praying the House to take up his former petition, respecting the enacting another law for the encouragement of Useful Arts, and complaining that the law now in force is altogether insufficient for the purpose of securing authors and inventors of machinery, &c., from the piracy and frauds of pretending impostors. Read and ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, communicating to the House sundry documents referred to by him in his Address to both Houses yesterday, viz: a statement of the appropriation of the funds, certified by the proper officers. A representation from the Chief Justice and associate Justices of the Courts of the United States, complaining of the great severity of the duties imposed on them in being obliged to attend the Circuit Courts, which occasioned them to spend a large portion of their lives in the act of traveling, which ought not to be expected from men far advanced in years, unless in cases of great necessity. That they were almost constantly forced to be absent from their families, and their health daily impaired by the fatigue and burden of their office. And praying that a modification may speedily take place in the Judiciary system.

Another memorial was also amongst the papers sent with the PRESIDENT'S Message, from the Judges of the North Carolina district, containing a detail of the inconveniences to which they were subjected by the law respecting the claims of widows, orphans, and invalid pensioners. Both of

those communications request that Congress may hasten a modification of the Judiciary system of the United States, which, in some instances, they affirm, to be not only burdensome and unnecessarily severe, but absolutely impossible in the execution.

The next document was the Constitution of the State of Kentucky.

The Clerk of the House proceeded to read some of the above-mentioned papers; and finished that respecting the appropriation of the funds, as ordered by law, in the Department of State. These were what had been communicated to the PRESIDENT by Mr. JEFFERSON, and contained details of moneys paid to the persons employed at Foreign Courts, &c., up to the 3d of November, 1792, amounting, in the whole to \$143,500. These sums have been paid principally to Colonel Humphreys, at Portugal; Mr. Gouverneur Morris, at Paris; Mr. Short, at the Hague; Mr. Carmichael, at Madrid; &c. Mr. Secretary JEFFERSON'S communication further contains an analysis of the expenses of the Department of State, from the 1st of July, 1790, to the 1st of July, 1791, and from thence to the 1st July, 1792. During the former period the amount was \$21,054 61. The latter is about 23,000. These papers were referred to a committee, and then the House proceeded to the other parts of the PRESIDENT'S Message, some of which being of a confidential nature, the galleries were ordered to be cleared.

DEFEAT OF GENERAL ST. CLAIR.

Ordered, That the report of the committee appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair, which was made on the 8th day of May last, be referred to the consideration of a Committee of the Whole House on Wednesday next.

Mr. STUBBS, at this early hour of the present session, called the attention of the House to the report which had been brought in at the close of the last session, by the committee then appointed to inquire into and report on the causes of the defeat of the troops under the command of Major General St. Clair, on the 4th of November, 1791. Several reports having been circulated, reflecting dishonorably upon the conduct of that committee, of which Mr. S. was a member, rendered it necessary for him to require a speedy consideration of the whole subject, in order to do away the prejudices which had probably taken place in the minds of many of the citizens of the United States. For these reasons, he moved that the said report should be referred to a Committee of the Whole.

Ordered, That it be taken up on this day week.

ANSWER TO THE PRESIDENT.

The order of the day being called for, Mr. LAURANCE in the Chair, the Speech of the PRESIDENT, delivered yesterday to Congress, was taken up; and, on motion of Mr. SMITH, of South Carolina, the following resolve was agreed to: "That a committee be appointed to prepare and report a respectful Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech delivered to both Houses of Congress at the opening of the

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present session; with assurances, that they would take into consideration the important matters therein contained." An amendment was now moved, to strike out the word "important;" but it was negatived, as being a word of too much importance to be neglected. The resolution was carried, in substance, as above, and the Committee rose and reported it. The House immediately agreed, and a committee of three—Messrs. MADISON, BENSON, and MURRAY—were appointed by the SPEAKER to prepare the answer in conformity with the said resolve.

The following Message was received from the PRESIDENT of the UNITED STATES:

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

I lay before you copies of certain papers relative to the Spanish interference in the execution of the treaty entered into in the year 1790, between the United States and the Creek nation of Indians, together with a Letter from the Secretary of State to the President of the United States, on the same subject.

G. WASHINGTON.

UNITED STATES, November 7, 1792.

The papers accompanying the said Message were read, and ordered to lie on the table.

The SPEAKER laid before the House two Letters from Thomas Barclay, Consul of the United States at the Court of Morocco, one dated the 28th of May, the other the 17th of July, 1792, enclosing petitions from Richard O'Brien, in behalf of himself and other citizens of the United States, now in captivity at Algiers, stating the peculiar hardships they have undergone during the time they have been kept in slavery, and praying that Congress will consider their distressed situation, and take such measures for their releasement, as to their wisdom shall seem meet.

Ordered, That the said letters and petitions be referred to the Secretary of State, for information.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the following papers, to wit:

"1st. A statement of the measures taken, and the overtures made, to procure a peace with the Indians Northwest of the Ohio."

"2d. Information received relatively to the pacific overtures and the disposition of the Indians Northwest of the Ohio."

"3d. A statement of the measures which have been taken to conciliate and quiet the Southern Indians."

"4th. Information received relatively to the disposition of the Southern Indians, and the causes of the hostilities of part of the Cherokees and Creeks."

"5th. A statement of the troops in the service of the United States."

The said Letter and statements were partially read.

THURSDAY, November 8.

Several other members, to wit: from Connecticut, JAMES HILLHOUSE; from Pennsylvania, WILLIAM FINDLEY and ISRAEL JACOBS; and from Kentucky, ALEXANDER D. ORR, appeared, and took their seats in the House.

The petition of James Warrington, attorney in fact of Joseph Blachford, surviving partner of Harris & Blachford, late of Charleston, in the State of South Carolina, was presented, praying that the sum of seven thousand and fifty-two dollars and eighty-three-ninetieths of a dollar, with the interest thereon, which is due from the United States to the estate of John Banks, deceased, may be applied to the discharge of a claim of the petitioner's constituents against the estate of the late General Greene, on account of his security to them in behalf of the said Banks, on a contract to supply the late Southern Army with provisions; which was ordered to lie on the table.

A memorial from Messrs. Joseph and Woodrow Sims, merchants in Philadelphia was read, declaring that the ship Two Brothers, with a cargo of salt, wines, &c., bound from Cadiz to Philadelphia, had been, some time ago, driven into New York by stress of weather; that they had directed their agent there (Mr. Seaton) to dispose of the cargo, but, on being afterwards informed that it would not bring prime cost, they countermanded their orders, and the ship was coming round to Philadelphia without having broke bulk, but was wrecked off Egg Harbor; that the duties had been bonded at New York when the ship entered there, and the Collector had informed them he could not relinquish his demand for the whole of said duties; that there was no part of the property saved except five casks and one quarter-cask of wine, and some part of the rigging; that said five and a quarter casks were duly gauged and the duty paid in Philadelphia; and, finally, praying to be relieved from the payment of the duties secured at New York on a cargo which never came into their possession—this either by a general or special law of Congress. Ordered to lie for consideration.

Mr. SMITH, of South Carolina, brought in a report from the committee appointed on the representation of the merchants of Charleston, against the law for regulating the fees in the Court of Admiralty of the United States, &c.; that it was the opinion of the committee that said law should be repealed, and another act passed to regulate said fees and to empower the Judges to take bail in trivial cases brought by seamen in the merchants' service, not exceeding five hundred dollars; which report was read, and ordered to lie on the table.

Ordered, That the petition of Joseph Barnes, attorney in fact for James Rumsey, which lay on the table, be referred to Mr. WILLIAMSON, Mr. STURGES, and Mr. LEE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Letter from the Secretary of War, communicating information that, on the 27th of September last, Brigadier General Putnam concluded a Treaty of Peace, on behalf of the United States, with the Wabash and Illinois Indians, consisting of the several tribes of Eel River, Quittanonons, Pottawatomies of the Illinois river, Musquitons, Kickapoos of the Wabash, Piankeshaws, Kaskaskias, and Peorians.

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The President's Speech.

[NOVEMBER, 1792.]

The Clerk proceeded to read the Speeches delivered to the Indians by Brigadier General Putnam. That which he spoke to the Miamis, &c., informed them that the Great Chief of the United States had sent a Speech some time ago, as well as one from himself, inviting those tribes to peace, and to recommend it to their neighbors, at the same time observing, that a treaty had been concluded with the Wabash Indians, and the hatchet everlastingly buried. "Brothers," said he, "if you will hear me, and not listen to the singing of the birds, carried to your ears by those who would ruin and destroy you, open your ears to my message. My wish is to see you all happy, and that your women and children may lie down in peace, and your young men and hunters live in harmony with the United States. The United States never intended to wrong you out of any of your lands. Send some of your wise men to meet us, who can see and hear the truth, and who will consider your interest well. The road to happiness and peace is open to you. Arise! come and see me, and let us shake hands with one another."

To the Delawares General Putnam also made a Speech, wherein he expresses sentiments, in substance, as follows: "I have lived with you many years. The Great Chief of the United States is a good man. Listen to his words, which he sends by me to you for your good. Many things have happened which were forced to be left in the dark, but they will all come to light, if you will come to the mouth of the Muskingum and hear what we have to say to your people."

Another Speech of the General's, to a different tribe, offers them peace, and requests them to send a Speech to their brothers, desiring them not to stop their ears, but to take the straight road to happiness, which is now laid open to them. "The Great Spirit," said he, "I hope may succeed in bringing about a lasting peace, if your people are as willing as our Great Chief to brighten the chain of friendship. If you will come to Philadelphia, I will provide for your accommodation on the journey, and I request your answer."

After reading the above-mentioned papers, the House took up a memorial presented by Commodore John Hazlewood, respecting services and losses performed and sustained by him during the war, and requiring relief, &c. Read and laid on the table.

Mr. LEE moved that the Report of the Secretary of the Treasury, made to the House last session, respecting lost or destroyed certificates, be taken up in Committee of the Whole.

Ordered, That said Report be made the order of the day for next Monday week.

Ordered, That the Letter and representation from the Chief Justice and Associate Judges of the Supreme Court of the United States, stating the difficulties and inconveniences which attend the discharge of their duties, according to the present Judiciary system, referred to in the PRESIDENT'S Message of yesterday, be committed to Mr. LIVERMORE, Mr. BENSON, Mr. KITTEKA, Mr. VENABLE, and Mr. WILLIAM SMITH, with instruction to examine the same, and report their opinion thereupon to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for the regulation of pilots, and the superintendence of light-houses, beacons, buoys, and public piers throughout the United States; and that Mr. FITZSIMONS, Mr. PARKER, and Mr. WILLIAMSON, be the said committee.

The House resumed the reading of the papers communicated yesterday by the Secretary of War, relative to the Indians Northwest and South of the river Ohio, and to the troops in the service of the United States, and made a farther progress therein.

FRIDAY, November 9.

Another member, to wit: CHRISTOPHER GREENUP, from Kentucky, appeared, produced his credentials, and took his seat in the House.

A Message was received from the PRESIDENT OF THE UNITED STATES, transmitting sundry communications from the Governor of Virginia, containing a correspondence between himself and the Governor of North Carolina, respecting the boundary line between the State of Virginia and the territory South of the river Ohio. These papers contain details of the situation of the unsettled boundaries extending toward the State of Kentucky, and a description of the difference between Walker's and Henderson's lines, which are at some places three miles asunder; and in this space there are upwards of a hundred families which may be claimed by either State, or they need acknowledge neither.

This subject was referred to Messrs. BOUDINOT, WILLIAMSON, and PAGE.

Mr. MADISON, from the committee appointed, presented an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

THE PRESIDENT'S SPEECH.

Mr. MURRAY called the attention of the House to that part of the PRESIDENT'S Speech which respects the transmission of newspapers throughout the different parts of the Union. He observed, that it had been in contemplation to qualify the Post Office law by a supplement, at the close of the last session; but, from the multiplicity of business crowding in at that time, the measure was relinquished. The same reasons could not operate in the present session, for the subject was particularly mentioned by the PRESIDENT, and ought to be referred to a committee as well as any other division of his communications. For these reasons, Mr. M. moved for the appointment of a committee; but, before any order could be taken on this motion, a member called for the reading of the confidential papers from the War Department, and the SPEAKER ordered the galleries to be cleared.

SATURDAY, November 10.

Two other members, to wit: PETER SYLVESTER, from New York, and THOMAS HARTLEY, from

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Address to the President.

[H. OF R.]

Pennsylvania, appeared, and took their seats in the House.

ADDRESS TO THE PRESIDENT.

The House resolved itself into a Committee of the Whole House on the Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. LAURANCE reported that the Committee had had the said Address under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And then the said Address, as amended, being again read, was, on the question put thereon, agreed to by the House, as follows:

"SIR: The House of Representatives, who always feel a satisfaction in meeting you, are much concerned that the occasion for mutual felicitation afforded by the circumstances favorable to the national prosperity should be abated by a continuance of the hostile spirit of many of the Indian tribes, and, particularly, that the reiterated efforts for effecting a general pacification with them should have issued in new proofs of their persevering enmity, and the barbarous sacrifice of citizens, who, as the messengers of peace, were distinguishing themselves by their zeal for the public service. In our deliberations on this important department of our affairs, we shall be disposed to pursue every measure that may be dictated by the sincerest desire, on one hand, of cultivating peace, and manifesting, by every practicable regulation, our benevolent regard for the welfare of those misguided people; and by the duty we feel, on the other, to provide effectually for the safety and protection of our fellow-citizens.

"While with regret we learn that symptoms of opposition to the law imposing duties on spirits distilled within the United States, have manifested themselves, we reflect with consolation, that they are confined to a small portion of our fellow-citizens. It is not more essential to the preservation of true liberty, that a Government should be always ready to listen to the representations of its constituents, and to accommodate its measures to the sentiments and wishes of every part of them, as far as will consist with the good of the whole, than it is, that the just authority of the laws should be steadfastly maintained. Under this impression, every Department of the Government, and all good citizens, must approve the measures you have taken, and the purpose you have formed, to execute this part of your trust with firmness and energy; and be assured, sir, of every constitutional aid and co-operation, which may become requisite on our part. And we hope that, while the progress of contentment under the law in question, is as obvious as it is rational, no particular part of the community may be permitted to withdraw from the general burdens of the country, by a conduct as irreconcilable to national justice, as it is inconsistent with public decency.

"The productive state of the Public Revenue, and the confirmation of the credit of the United States abroad, evinced by the loans at Antwerp and Amsterdam, are communications the more gratifying, as they enforce the obligation to enter on systematic and effectual arrangements for discharging the Public Debt, as fast as the conditions of it will permit; and we take pleasure in the opportunity to assure you of our entire concurrence in the opinion, that no measure can be more desirable, whether viewed with an eye to the urgent wish

of the community, or the intrinsic importance of promoting so happy a change in our situation.

"The adoption of a Constitution for the State of Kentucky, is an event on which we join in all the satisfaction you have expressed. It may be considered as particularly interesting, since, besides the immediate benefits resulting from it, it is another auspicious demonstration of the facility and success with which an enlightened people is capable of providing, by free and deliberate plans of Government, for their own safety and happiness.

"The operation of the law establishing the Post Office, as it relates to the transmission of newspapers, will merit our particular inquiry and attention, the circulation of political intelligence through these vehicles being justly reckoned among the surest means of preventing the degeneracy of a free Government, as well as of recommending every salutary public measure to the confidence and co-operation of all virtuous citizens.

"The several other matters which you have communicated and recommended, will, in their order, receive the attention due to them, and our discussions will, in all cases, we trust, be guided by a proper respect for harmony and stability in the public Councils, and a desire to conciliate, more and more, the attachment of our constituents to the Constitution, by measures accommodated to the true ends for which it was established."

Resolved, That the SPEAKER, attended by the House, do present the said Address, and that Mr. MADISON, Mr. BENSON, and Mr. MURRAY, be a committee to wait on the PRESIDENT, to know when and where it will be convenient for him to receive the same.

The House proceeded to consider the report of the committee to whom was referred the petition of the merchants of the city of Charleston, in South Carolina. Whereupon,

Resolved, That provision ought to be made by law, to regulate the fees of the several District Courts of the United States, in all cases of Admiralty proceedings; and that so much of the act for the regulation of seamen in the merchants' service, as makes ships or vessels and their appurtenances liable to seizure and detention, for actions of trivial amount, be repealed; and that, in future, a power be vested in the District Judge, to accept of other sufficient security, in cases where the sum in dispute shall not exceed — dollars.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. WILLIAM SMITH, Mr. LAURANCE, and Mr. WHITE, do prepare and bring in the same.

Mr. MADISON, from the committee appointed to wait on the PRESIDENT OF THE UNITED STATES, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress, reported that the committee had waited on the PRESIDENT, who signified to them that it would be convenient to him to receive the said Address at 12 o'clock on Monday next, at his own house.

MONDAY, November 12.

Another member, to wit, JOHN BAPTIST ASHE, from North Carolina, appeared, and took his seat in the House.

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Address to the President—Defeat of General St. Clair.

[NOVEMBER, 1792.]

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, covering a statement of the receipts and expenditures of public moneys, to the end of the year 1791; which was read, and ordered to lie on the table.

ADDRESS TO THE PRESIDENT.

The SPEAKER, attended by the House, then withdrew to the house of the PRESIDENT OF THE UNITED STATES, and there presented to him the Address of this House, in answer to his Speech to both Houses of Congress; to which the PRESIDENT made the following reply:

"GENTLEMEN: It gives me pleasure to express to you the satisfaction which your Address affords me. I feel, as I ought, the approbation you manifest of the measures I have taken, and the purpose I have formed, to maintain, pursuant to the trust reposed in me by the Constitution, the respect which is due to the laws; and the assurance which you, at the same time, give me, of every constitutional aid and co-operation that may become requisite, on your part.

"This is a new proof of that enlightened solicitude for the establishment and confirmation of public order, which, embracing a zealous regard for the principles of true liberty, has guided the deliberations of the House of Representatives; a perseverance in which can alone secure, under the Divine blessing, the real and permanent felicity of our common country.

"G. WASHINGTON."

The House, having returned to their Chamber, resumed the reading of the papers communicated by the Secretary of War, on Wednesday last, relative to the Indians Northwest and South of the river Ohio, and to the troops in the service of the United States, and made a farther progress therein.

TUESDAY, November 13.

Two other members, to wit: ROBERT BARNWELL and DANIEL HUGER, from South Carolina, appeared, and took their seats in the House.

Mr. BOUDINOT, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 9th instant, together with sundry papers on the subject of the boundary line between the State of Virginia and the Territory of the United States South of the Ohio, made a report; which was read, and ordered to lie on the table.

DEFEAT OF GENERAL ST. CLAIR.

On a motion made and seconded, that the House do come to the following resolution:

"Resolved, That the Secretary of the Treasury and the Secretary of War be notified that this House intend, on Wednesday next, to take into consideration the Report of the Committee appointed to inquire into the causes of the failure of the late expedition under General St. Clair, to the end that they may attend the House, and furnish such information as may be conducive to the due investigation of the matters stated in the said report:"

Mr. WILLIAMSON moved to strike out the latter part of the resolution, which respected the attendance of the Secretaries on the House. This motion, if carried, leaves the resolution a simple

proposition to inform those officers that the House were, on Wednesday, to take the Report on the failure of General St. Clair's expedition into consideration.

Mr. VENABLE objected generally to the resolution, as inconsistent with the dignity of the House. He doubted the propriety of the measure altogether. The gentlemen are not impeached, and therefore the House has no right to cite them to make their appearance; and, with respect to information, the House can command such from the Heads of Departments as they may see proper to require. He was at a loss in attempting to investigate the object of the resolution. He could see no purpose that it would answer, which could not as well be obtained without it.

Mr. WHITE offered several objections to the resolution, of a similar import with the above.

Mr. DAYTON supported the motion by a few remarks, stating the importance of that information which those gentlemen alone could give. He adverted to the report of the committee, which he observed had exculpated the commanding General on that expedition, whereas he was of opinion that the failure was owing to the misconduct of that gentleman.

Mr. TUCKER objected to the resolution. He preferred the mode of requiring that information which the House might think necessary, in writing.

Mr. MADISON objected to the motion on constitutional grounds, and as being contrary to the practice of the House. He had not, he said, thoroughly revolved the matter in his own mind, and therefore was not prepared to state fully the effects which would result from the adoption of the resolution; but he would hazard thus much, that it would form an innovation in the mode of conducting the business of this House, and introduce a precedent which would lead to perplexing and embarrassing consequences; as it involved a conclusion, in respect to the principles of the Government, which at an earlier day would have been revolted from. He was decidedly in favor of written information.

Mr. CLARK was opposed to the resolution; as a member of the committee who made the report, he had no apprehension; with respect to information, the report and the vouchers are before the House; and such further inquiry may be made of the proper officers as the House may think necessary.

Mr. AMES supported the resolution. He noticed the impressions which the failure of the late expedition had made on the public mind. Characters had suffered in the general estimation. It was of the utmost importance that a thorough investigation should take place, that if the failure of the expedition was a mere casualty, and the fortune of war, it might be made to appear; or, if it was owing to misconduct, the blame might fall on the proper subjects. The mode suggested to obtain information appeared to him the best that could be adopted—the most adequate to the object. It was due to justice, to truth, and to the national honor, to take effectual measures to in-

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investigate the business thoroughly. This inquiry appears to be the beginning of an arrangement preparatory to an impeachment; on whom this will fall, he should not presume to say; but still it places the subject in an important point of view, and shows, in the strongest manner, the necessity of adopting the best possible mode of ascertaining the real state of facts. This, he conceived, could not be done so effectually as by the mode proposed in the resolution.

Mr. GILES objected to the resolution. He preferred a thorough discussion of the report, in the first place, and a comparison of the vouchers with the report; and if, in the issue, it should appear necessary to call for information from these officers, it could then be done; but, in the present state of the business, to adopt the resolution would place the committee in a very disagreeable situation.

Mr. LAURANCE observed that the committee, in their report, say that, for want of time, they had not been able to complete it; it is, then, apparent from the report itself that it is immature. He stated several particulars in the report which were incomplete, and from hence inferred that there was material information to be received previous to being able to form a competent judgment on the matter. He observed that, as the information must be had, he saw no necessity of postponing the attendance of those officers in the first instance.

Mr. MADISON, in reply to Mr. AMES's remark, that the best possible mode ought to be adopted, observed, that there seemed to be different ideas entertained by the different advocates of the resolution; one seemed to implicate the officers alluded to as parties concerned; another appeared to consider them merely as witnesses. For his part, he thought there was no other way of proceeding, but that of adopting one or the other of these alternatives: either to take up the report and discuss its merits, or for the House to begin the inquiry themselves, *de novo*.

Mr. LIVERMORE objected to the resolution. He could not see any advantage which would result from adopting it. He thought the causes of the failure of the expedition were sufficiently obvious, without criminating any body. He adverted to these causes—they were the rawness of the troops, and the superiority of the Indians as marksmen. On these points, he could not see what information could be derived from the Secretary of the Treasury. He thought that the Legislature had gone too far already, and that no satisfaction would result from further proceedings, but that the subject would appear more and more involved.

Mr. BOUNDNOT, after stating sundry particulars relative to the state of the public mind at the time of the report, adverted to several parts of it which appear to criminate particular persons, some of whom were absent at the time of the investigation on which the report is founded. He therefore urged the necessity of receiving from the Heads of the Departments that information which was requisite to throw light on several parts of the report, and that this ought to be done previous to taking the report into consideration.

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Mr. FITZSIMONS said he should vote against the resolution. He did not think this the proper time to call for the information alluded to; nor the mode proposed a proper one. Some remarks have been made on the report, though it is not before the House; to these he should not particularly reply, but would only observe, that no person had applied to the House for redress of any supposed injury received by the report. It has been said that the inquiry ought to have been a military one; but it was well known that it was impossible to institute such an inquiry by reason of the want of officers. He then gave a sketch of the mode of proceeding adopted by the committee in conducting the inquiry, to show that they had availed themselves of every means of information within their power.

Mr. WILLIAMSON said he had moved to strike out the latter part of the resolution, but he was equally opposed to the whole of it; and since he had heard the remarks of several gentlemen, on both sides of the House, he was clearly of opinion that the best way was to dispose of it altogether, and to let the subject proceed in the course which it had already taken.

Mr. GILES observed, that he thought there was less delicacy observed on this occasion, in respect to the committee, than was usual in this House. With respect to the report, the vouchers on which every assertion is founded are before the House. As to the incompleteness of the report, it is an immaterial object; the few blanks it contains are occasioned by the want of time to examine the voluminous papers necessary to be examined, in order to ascertain some of the facts—facts not in themselves of the first importance. He observed, that he had not the smallest objection to the fullest investigation of the subject; he was in favor of all the information that could be possibly obtained; he objected not only to the mode now contended for, which he thought not only liable to all the objections which had been made, but to many others which might be offered.

Mr. DAYTON observed, that he was one of those who were not satisfied with the report; he did not think the conclusion which exculpated the commanding officer could be supported by the report itself. He adverted to several facts stated in it, which showed that the commander must have been highly culpable; he instanced the slowness of his movements, the dilatoriness in constructing forts, and his being surprised by the enemy. He thought that the remarks which had fallen from gentlemen, on what he had said, were illiberal, as they had virtually impeached his candor, when he was not conscious of deviating from its dictates. It was not his intention to have touched on the merits of the report, but he had been impelled to do it from the turn the debate had taken.

Mr. GERRY was in favor of the resolution. He enlarged on the magnitude of the object of investigation, and insisted that it was the indispensable duty of the House thoroughly to probe the subject to the bottom, that if any persons have been to blame they may suffer, or if the event which has taken place, by which the national character

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has suffered, and so severe and unproductive an expense has been incurred, amounting probably to one million dollars, has been owing to circumstances which could not be avoided or controlled, the public may receive satisfaction as to the whole matter.

Mr. PAGE objected to the resolution, particularly to the precedent it would establish; but, at the same time, he was in favor of the fullest inquiry the subject was susceptible of. He said, the mode proposed would operate to clog the freedom of inquiry, and the freedom of debate.

Mr. AMES, adverting to the spirit of the report, pointed out the peculiar situation of the two Secretaries, and that they did not stand on the same ground with other persons who are not so intimately implicated in the matter. He alluded to the various objections which had been urged from precedent, from the fullness of the investigation which the subject had undergone in the hands of the Committee, and from the remark by Mr. LIVERMORE, that sufficient had already been done. To this last objection he particularly replied, by saying that the public wanted further satisfaction, and that the House could not justify themselves to their constituents without a stricter and fuller investigation, that the whole of the facts might be laid before them.

Mr. MADISON said, the mode now proposed involved a dereliction of the only practicable mode of transacting public business; and that, however imperfect that mode might be, still he believed that it was the only one that had received the sanction of experience and utility. He therefore hoped that the resolution would be rejected, and the mode already adopted persevered in, and the necessary information called for in writing, from every person in anywise interested or competent to give it.

Mr. W. SMITH supported the resolution. He showed by the report itself, and from the reasoning used by gentlemen in opposition to the resolution, that the two Secretaries were implicated in the causes of the failure of the expedition; from hence, he inferred the justice and propriety of giving them an opportunity of exculpating themselves.

Mr. GERRY expressed surprise at the apprehension which some gentlemen appear to entertain of the measure of introducing the Heads of Departments into the House; for his part he had no such apprehensions. The Secretary will attend at the orders of the House merely to give such information as may be required, and not as members or ministers, to influence and govern the determinations of the House.

Mr. VENABLE objected further to the resolution; he urged the impropriety of any of the Heads of Departments coming forward, and attempting in any way to influence the deliberations of the Legislature.

Mr. LAURANCE replied to Mr. VENABLE; he observed that the gentleman appeared to mistake the object of the resolution; it was not contemplated that either of the Secretaries should appear on the floor of the House to influence, in any de-

gree, its decisions; they are to be called on merely for information.

Mr. MURRAY objected to the resolution. The report, he observed, is made to the House; if in the course of its discussion any further light or information should be deemed necessary, it may then be called for, and in that mode which shall appear most eligible—at present the question appears to be premature. Mr. MURRAY added several other remarks, and then the question being put, Mr. WILLIAMSON's motion for striking out was carried.

And then the main question being put, that the House do agree to the said resolution as amended, it passed in the negative.

Resolved, That the Committee of the Whole House, to whom is referred the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, be empowered to send for persons, papers, and records, for their information.

Resolved, That the Secretary of the Treasury be directed to cause to be laid before this House a statement of the several disbursements of money made by the Department of War in the years 1790 and 1791.

The House resumed the reading of the papers communicated by the Secretary of War on Wednesday last, relative to the Indians Northwest and South of the River Ohio, and to the troops in the service of the United States, and made a farther progress therein.

WEDNESDAY, November 14.

Another member, to wit: WILLIAM BARRY GROVE, from North Carolina, appeared and took his seat in the House.

A petition of John Blake, Joseph Bindon, John D. Mercier, and Benjamin Thompson, on behalf of themselves and other Canadian refugees, was presented to the House and read, praying compensation for losses and injuries sustained in their persons and property, by adhering to the American cause, during the late war.

Ordered, That the said petition be referred to Mr. DAYTON, Mr. BENJAMIN BOURNE, and Mr. MURRAY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to regulate trade and intercourse with the Indian tribes; and that Mr. WHITE, Mr. CLARK, and Mr. WILLIAMSON, do prepare and bring in the same.

Ordered, That Mr. FITZSIMONS be added to the committee to whom was referred the petition of James Warrington, attorney in fact for Joseph Blachford, surviving partner of Harris & Blachford, late of Charleston, in the State of South Carolina.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1793; which were read, and ordered to lie on the table.

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Ordered, That a committee be appointed to take into consideration that part of the PRESIDENT'S Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session for the regulation of the Post Office; and that Mr. MURRAY, Mr. BALDWIN, Mr. GILMAN, Mr. AMES, and Mr. BARNWELL, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of War, together with a memorial of Samuel Hodgdon, late Quartermaster General to the Army, respectively praying that they may be heard, and permitted to give information and explanations as to the causes of the failure of the expedition under Major General St. Clair; which were read. The Letter of the Secretary of War is as follows:

WAR DEPARTMENT, November 14, 1792.

SIR: After the close of the last session of Congress I saw with much concern the report of the committee appointed to inquire into the causes of the failure of the expedition, under Major General St. Clair, of the 8th of May, 1792; which, having been presented to the House in the last moments of the session, was ordered to be printed, and has since circulated in the public newspapers throughout the United States, containing suggestions, most of them founded upon *ex parte* investigation, which have been understood in a sense very injurious to my reputation.

Learning that the present day was appointed for taking into consideration the above mentioned report, I have waited with anxious expectation for some act of the House enabling me to attend the progress of the examination upon which they are about to enter, for the purpose of furnishing such information and explanations as might conduce to a right understanding of facts, in which I am so materially implicated. The failure of a proposition, which I am informed was made to the House with that view, has added to my solicitude and regret.

Thus situated, I feel myself called upon to ask of the justice of the House that some mode may be devised, by which it will be put into my power to be present during the course of the intended inquiry, as well to hear the evidence on which the several allegations contained in the report are founded, as to offer the information and explanations to which I have alluded.

To this step I am impelled by a persuasion that an accurate and satisfactory investigation cannot otherwise be had with equal advantage, if at all. And my entire reliance upon the equity and impartiality of the House, will not permit a doubt to exist on my part that such an investigation will be exclusively the object of their desire and pursuit.

I have the honor to be, sir, with the highest respect, your most obedient humble servant,

H. KNOX.

The SPEAKER of the honorable
the House of Representatives of the U. S.

DEFEAT OF GENERAL ST. CLAIR.

And then the order of the day, that the House do resolve itself into a Committee of the Whole House on the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, being taken up—

Mr. MADISON suggested that the most simple, most practicable and consistent plan would be, to recommit the report of the select committee, and refer the present applications* to the committee to whom the report shall be re-committed. He therefore moved that the Committee of the Whole should be discharged from considering the reports on the causes of the failure of the late expedition.

Mr. SMITH (S. C.) observed that several objections struck him in opposition to this motion. The House must at some period, said he, meet this case; if it is recommitted, there will be an impropriety in referring it to the same committee; if a new committee is appointed, they must begin the whole subject *de novo*; and, if their investigation should take up such a length of time as that of the former committee, the session will be expended, and at the close of it the business will recur on the House, and the same discussion will occur again that is now proposed. He hoped the House would therefore proceed in the consideration of the report, assign two or three days in the week for the purpose, and continue the investigation till the whole is finished.

Mr. GILES replied, that he had no doubt that the vouchers on which the committee had founded the report would appear sufficient to justify the decisions that they had made. He said that he did not suppose that the applicants would adduce any new information; one of them had been called on, he attended the committee, and he supposed that he had furnished all the information he was in possession of. He objected to a recommitment; as one of the committee, he was perfectly satisfied with the report; nor did he conceive there was any additional evidence to be produced, except it was of a recent date.

Mr. AMES said, he perceived such a disinclination to go into the subject as indicated a proper temper of mind in relation to the persons supposed to be any ways interested in the ultimate decision of the House. He was opposed to a recommitment, as it would procrastinate instead of expediting the inquiry. He adverted to the report. Facts are stated; the public have been left to draw the inferences; the committee have not explicitly criminated any body; but they have determined, in several instances, who is not to blame. What is the situation of those who are implicated in the causes of the failure? Every citizen knows that, in consequence of the issue of the expedition, clamors against the War Department, in respect to Indian affairs, have rung through the Continent. Should public officers, who have been placed in situations of such importance be silent, and submit calmly to such imputations, they would be unworthy of public confidence, unworthy to breathe the vital air. They now apply for an opportunity to be heard in their own vindication. Shall they be sent to a Committee-room, and make their defence against the allegations brought forward to their disadvantage, which have been published to the world, in the hearing of perhaps ten or a dozen persons only? He hoped not—

* Letters of the Secretary of War and Quartermaster General.

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thought justice to them and to the public required that they should be allowed to make their defence in the face of the world. Will not precluding them look like a wish to smother all further inquiry into the matter?

Mr. BALDWIN was in favor of recommitting; he said it was the most eligible mode, and was consonant to the practice of the House.

Mr. MADISON remarked, that it had been said a disposition was discovered to smother inquiry. In reply he observed that, if he wished to prevent a thorough investigation, he should be in favor of the whole subject being undertaken by the House; because, he observed, that if a select committee of a few members took seven weeks to form an incomplete report, it must appear evident that so large a body as this House could never get through the matter. He further observed, that the same reason existed for referring the residue of the evidence to a select committee as induced the measure in the first instance.

Mr. FITZSIMONS said he was at first in favor of a recommitment, but on further consideration he was convinced the House would be able to get through the subject in a shorter time than a select committee. He added several other reasons which induced him to be in favor of the House proceeding with the report.

Mr. GERRY said it appeared to him that the only question seemed to be, whether the House or the select committee shall establish the facts. If these facts are established by the committee, would it give equal satisfaction as if they were established by the House? He conceived it would not; but, should the result be a conviction on the part of the House that some of the officers are culpable, will the House rest an impeachment on the report of the committee? He conceived the House ought to found their decisions on facts ascertained by themselves. It has been said there is no difference between the House and the committee. If this is the case, does it not imply a censure by the House on certain characters? He thought it did. It therefore becomes the House to discuss the report, that it may be determined on what footing it stands. If, in the case of a contested election the House revolted from the idea of submitting their judgment to facts substantiated by a committee, the case before us is of unspeakably greater magnitude. For these, and several other reasons, he hoped the report would not be recommitment.

Mr. WILLIAMSON was in favor of the motion for recommitting; he supported his opinion by the uniform practice of the House, which in every case where new evidence was adduced, always provided that the new evidence should be examined by the same committee, who had originally brought in the report. He said if this mode was departed from, we should find no committee would bring forward a state of facts in future. He thought it was not treating the committee with proper candor to decide on their report in its present situation.

Mr. SYLVESTER observed, that the resolution of the House at the close of the last session, that they

would take up the subject early in the present session, precluded a recommitment; he was therefore opposed to the motion.

Mr. BODINOT was in favor of a recommitment; he said, if there is new evidence to be brought forward, the House ought to wait till that is received and reported at the Clerk's table; and this he conceived ought to be done in the usual way, by a select committee; till the whole testimony is completed it appeared to him the House was not prepared to take one step in the matter.

Mr. MADISON replied to Mr. GERRY's allusion to the case of the contested election. He inquired of him whether the House itself went into an investigation of facts in the first instance? He believed he would not say they did. With respect to the memorials, he inquired, whether, if they had been presented at the time of the investigation of the subject by the select committee, they would not have been referred to the committee? If they would then have been referred, the same reason exists for referring them to a select committee at the present time.

Mr. LAURANCE was of opinion that a recommitment would tend to a saving of time; the committee will not be obliged to go over the same ground again that has already been explored; all they will be obliged to do is, to investigate the new testimony which will be adduced. He hoped, therefore, that the motion would prevail.

Mr. GILES said, that the proceedings of the committee were public, and that the Secretaries could have attended all the time, had they seen proper. They attended but once, and then appeared extremely anxious to get away to attend to their offices. The committee would have been extremely glad to have had those gentlemen present oftener, and to receive all the information they could give, and supposed they had done it.

Mr. GERRY replied to Mr. MADISON. He said, if gentlemen would recur to the proceedings of the House on the contested election, they will find that the House expressly reserved to itself the right of substantiating the facts, which should appear from an examination of the depositions, taken in conformity to the resolutions of the House; and here he adverted to the mode pointed out by the House in taking those depositions. The adverse party was to be summoned to attend to the taking them; but in this report it appears that *ex parte* evidence has been admitted as the foundation on which some of the decisions have been made.

Mr. MURRAY supported the motion for a recommitment. He observed that the matter, in its present state, was so incomplete that he could not see how the House could proceed upon it. One part of the evidence only is finished, and the report is made on that evidence. Now, we are told new testimony is offered; let the whole be brought into view at once, and then the House will be in a situation to judge.

Mr. PAGE was in favor of a further commitment of the subject; but whether to the committee who made the report, or to a new committee, he should not take upon him to say. With

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respect to the admission of any Head of a Department to the bar of this House, except in case of an impeachment, he would never consent to it. It would be a precedent of a most dangerous nature, tending to a destruction of all freedom of inquiry by committees.

Mr. FINDLEY observed, that the committee wished that Mr. Hodgdon should have been present, but he did not make his appearance; the committee therefore proceeded on the testimony they had, and as there is now new evidence brought forward, he thought it was proper that the report should be recommitted. As one of the committee, he should have no objections to such alterations as might appear proper on further and more complete investigation of the matter.

Mr. STEELE called for the reading of a clause in the memorial of the Secretary of War, which states that the committee had drawn conclusions from *ex parte* evidence. This being read, Mr. STEELE remarked on the want of candor towards the committee, which had been shown by some of the members in the course of their observations. He then adverted to the above clause respecting *ex parte* evidence, and observed that, with respect to the Secretary of War, it was not true that the committee had proceeded on *ex parte* evidence; that officer, said he, was notified of the meetings of the committee; he attended those meetings; he furnished the committee with papers and documents, &c.; and further, he was requested to detain officers in town whose testimony was necessary in the matter, and that he complained of some of those officers being detained by the delays of the committee from the recruiting service. With respect to Mr. Hodgdon the same cannot be said, as he was not then in the country.

Mr. STEELE then concluded by some additional remarks on the indelicacy manifested by some gentlemen in their treatment of the committee, and observed that he did not apply it to himself personally, but as it respected the committee at large, he thought proper to express the contempt which he conceived it merited.

Mr. DAYTON replied to Mr. STEELE. He repeated the substance of his original remarks on the report, and added, that in the course of the discussion he should attempt to show that the deductions made in several parts of the report were false. Mr. D. added, that whatever the gentleman last speaking might say, as one of the committee who signed the report, he was certainly implicated in whatever censure it merited.

The question for a recommitment was then agreed to, 30 to 22. And it was accordingly

Resolved, That the Committee of the Whole House, to whom was committed the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, be discharged from the consideration thereof; and that the said report, together with the documents relating thereto, including the Letter of the Secretary of War, and the memorial of Samuel Hodgdon, be recommitted to Mr. FITZSIMONS, Mr. GILES, Mr. STEELE, Mr. CLARK, and Mr. FINDLEY.

THURSDAY, November 15.

Another member, to wit: THEODORE SEDGWICK, from Massachusetts, appeared, and took his seat in the House.

Mr. GOODHUE, from the committee appointed, presented a bill concerning the registering and recording of ships or vessels: which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying an extract of a letter to him, from James Seagrove, temporary agent to the Creek Indians, dated the 28th ultimo, containing further information relative to Indian affairs in the Southern department; which were read, and ordered to lie on the table.

FRIDAY, November 16.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act regulating Foreign Coins, and for other purposes;" to which they desire the concurrence of this House. The message also communicated a Letter from Messrs. Hebert & Co., of the city of Paris, addressed to the Congress of the United States, stating certain propositions for the purchase of a quantity of vacant lands, the property of the United States.

The Letter referred to in the said Message was read, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes," was read the first time.

Ordered, That Mr. VENABLE and Mr. STEELE be added to the committee appointed to take into consideration that part of the PRESIDENT'S Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session for the regulation of the Post Office.

The House resumed the reading of the papers communicated by the Secretary of War on the 7th instant, relative to the Indians Northwest and South of the River Ohio, and to the troops in the service of the United States, and made a farther progress therein.

MONDAY, November 19.

Another member, to wit: JOHN FRANCIS MERCER, from Maryland, appeared, and took his seat in the House.

The bill sent from the Senate entitled "An act regulating Foreign Coins, and for other purposes," was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

The SPEAKER laid before the House a Letter and Report from the Commissioners appointed by the act entitled "An act making provision for the reduction of the Public Debt," stating the amount of the purchases which have been made of the Public Debt, in pursuance of the powers vested in them by the said act;" which were read, and ordered to lie on the table.

A memorial and address from the people called

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Quakers, from their several religious societies in New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed salutary and effectual for securing peace and friendship with the original holders of this land.

Ordered, That the said memorial and address do lie on the table.

A petition of Thomas Screven, executor of Brigadier General James Screven, deceased, was presented to the House and read, praying the renewal of sundry Continental Loan Office certificates, the property of the said deceased, which were burnt, or otherwise destroyed by the enemy, during the late war.

Ordered, That the said petition be referred to the consideration of the Committee of the Whole House, to whom is committed the Report of the Secretary of the Treasury respecting lost and destroyed certificates.

Ordered, That the Report of the Secretary of the Treasury concerning marine hospitals, which was made on the 17th of April last, together with the report of a committee thereupon, which was made on the 28th of the same month, be referred to the committee last appointed.

PROTECTION TO AMERICAN COMMERCE.

Mr. WILLIAMSON moved that a committee be appointed to prepare and bring in a bill or bills for promoting commerce, by the increase of American seamen. In moving the above, Mr. W. addressed the House as follows:

Much of your time during the present session, Mr. SPEAKER, will be employed in deliberating upon the several important subjects that have been recommended to us by the PRESIDENT. The numerous and lengthy bills that you inherit from the last session, must also demand a considerable portion of your time. Observing so much interesting and weighty business, from which you cannot turn aside, it is with some reluctance that I bespeak the attention of the House, while I submit to their consideration another subject of some importance: for it is a subject, unless I am mistaken, that interests the merchant and the planter.

Measures have already been taken by Congress, for increasing the number of our shipping; but no effectual and general measure has been adopted for increasing the number of native American seamen. Every gentleman in my hearing knows, that there are always a considerable number of foreigners employed on board American vessels; but none of us could have expected, and some of us may not have heard of the injury and insults to which our commerce has been exposed, from having British seamen on board our ships.

A schooner called the David and George, belonging to Portsmouth, in Virginia, and commanded by Captain Goffigan, lately touched at Sierra Leone, on the coast of Africa; she was navigated by eleven persons. Three of that number who had been on shore, informed Captain Wickham who commanded an armed vessel, that they were British subjects. Captain Wickham went on board

the American vessel and claimed the three seamen; he also claimed wages for them. Captain Goffigan refused to deliver the men, and declared with truth that nothing was due them. Captain Wickham took the men by force, and by the same regulation he went into the hold, and took as much of the cargo as he thought fit, under the cover of substitute for wages. Captain Goffigan complained of this violence and robbery to Mr. Clarkson, who is Governor of the Province. The Governor replied, that he should have done the same thing, and that *he had orders from his superiors* so to act in such cases.

The ship *Illustrious President*, belonging to Virginia, commanded by Captain Butler, touched some time ago at Maderia, in her passage to the East Indies. The British frigate *Hyena*, commanded by Captain Hargood, lay at that time in the road. Seven of Captain Butler's sailors being British subjects, Captain Hargood sent to take them by force from on board the American ship, and he would have done so, had not the Governor of the Island, remembering what he owed to the honor of his nation and to every ship under his protection, interrupted his authority.

The ship *Fame* belonging to Philadelphia, commanded by Walter Sims, on her way to the East Indies, lately touched at Table Bay, at the Cape of Good Hope. Captain Blith, who commanded a ship of twenty guns, then lay in the road. One of Captain Sims's sailors, a native of Scotland, offered his service to Captain Blith, calling himself a British subject. That very man in Philadelphia had taken the oath of allegiance to the United States; but the British claim was best, for Captain Blith's ship was strongest. He took the man, sent an officer on board the American ship, who took the liberty of opening the after hatch, searching the hold and looking out a chest and clothes. Captain Blith justified these acts of violence, by saying, that he had *printed instructions* to take all who called themselves British subjects.

These are a few out of the numberless cases in which our ships have been robbed of their seamen, and they are samples of the manner in which we shall be constantly treated, while we depend on foreigners to navigate our ships. If these cases had terminated in threats and abusive language, to which our flag is too much accustomed, it might have been questioned, whether the nation of the offending party was to blame. When you are told by one officer and another, that he is instructed to distress our trade, we should, if possible, deprive them of the present excuse. Is it not our business to inquire into the cause of this strange conduct? By a vitiated passion for British goods, we are universally clothed in the manufactures of that nation. Our debts increase every year, and we labor to make her rich, while we are becoming poor. We pour our treasures into her lap more than any other nation under the sun. Observe the rewards! I say nothing about her measures on our Western Frontier; but our trading ships are boarded and plundered at discretion by her ships of war; and yet, Great Britain, whose commerce we cherish, is the only nation that treats us in this

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manner. Perhaps it is conjectured, that Americans are of that species of animals whose favor is increased by rough treatment. Be this as it may, it is our duty to consider of the safest and surest mode of extending our commerce. After we have been told, that an American vessel having sailors on board, who chance to have been born in the British dominion, is subject to be deprived of her hands, robbed of her property, and turned adrift without help, it can hardly be necessary to adduce other arguments in favor of native American seamen; but other strong and conclusive arguments in favor of the measure present themselves. The merchants' property in critical situations, or in distant and obscure parts of the world, is always most safe when his ship is navigated by men who uniformly strive to return to their native home, and whose hopes and happiness centre in that country to which their ship belongs. The crew of a French brig some weeks ago, murdered their captain and mate on our coast; that misfortune, in all probability, would not have happened, if the seamen had been natives of France. Two of them only were of that Kingdom. Is it necessary to add, that a powerful body of seamen, at some future day, may save us from the vast expense and danger of a standing army? Upon this single argument of native seamen we might rest the question. It needs neither support nor illustration. I shall, therefore, presume, that it is our duty as soon as possible, to provide for the daily operations of pride or injustice, by furnishing the merchant with seamen, of whom he cannot be robbed, except by open declaration of war. With seamen in whom he can trust—with men, who actuated by those passions which are inseparable from the human breast, the pride of nation, and the love of country, may serve him in every part of the world. To furnish the nation with a safe and strong bulwark against foreign tyranny and invasion.

This conclusion, however, is drawn upon the supposition, that foreign commerce should be encouraged; but, I am aware that objections have been made to every measure that has foreign commerce for its object, and similar objections would fall with additional weight against any plan for supporting foreign commerce by native seamen. We are told, that in a country where land is plenty and the inhabitants few; where little progress is made in cultivating the soil, the Legislature should consider agriculture as the primary object of their attention. This is a position that will not be disputed, since we know that the hope of our species must prosper or perish; that our numbers must be many or few, according as the soil is well or ill cultivated; according to the abundance or scarcity of provisions. These facts being granted, we are only to inquire, what are the most certain and effectual means of promoting agriculture? To this I reply, that we can promote agriculture by extending foreign commerce, and by no other direct means whatever. Bounties can never prove effectual; they may serve to introduce a foreign plant, but they cannot produce industry nor plenty. The general demand for any article never fails to increase the manufacture of that article. The

great demand for provisions to be exported, will not fail to produce abundance of provisions in the country.

The simple calls of nature, the mere necessity of supporting life, is not a sufficient spring to active industry; it seldom gives birth to persevering diligence. Artificial wants and passions must come to our assistance, before we can shake off the indolence of nature, and apply ourselves steadily to work. Let a man discover that industry will procure him the luxuries as well as the necessaries of life, and he will not fail to work. Let the farmer see a ready market for all the produce that is not consumed by his family, and he will commonly have something to sell; let no such market present itself, and his family will frequently suffer from the want of necessaries. Every man who considers the effects of frequent and long embargoes, must discover that they generally produce a scarcity of provisions. The late war operated in this country as an embargo. What was the effect? The spirit of agriculture became torpid; the plow slept in the furrow. Let us for a moment cast an eye on the history of cities and nations. They have risen into greatness or sunk into obscurity, according to the measure of their commerce. By the creative power of foreign commerce, Palmyra and Alexandria arose out of sandy deserts, and Venice out of the sea. By the same power we have seen nations become wealthy and numerous.

If we agree that industry, population, and wealth, are promoted by foreign commerce, it will certainly be granted that our commerce should be managed by native citizens. In order to secure a sufficient number of seamen, we should make it the interest of every master or owner of a vessel to have one or more apprentices. For this purpose, it may be proper to impose a small additional duty of tonnage on every American bottom, perhaps one cent per ton may be sufficient. A drawback of ninety per cent of this duty may be allowed, to such vessels as are navigated by a certain number of apprentices, native citizens of the United States, according to their several burdens. I have mentioned ninety per cent, because it may be proper that a small portion of this duty should pass to a separate account that shall presently be mentioned. The amount of domestic tonnage for the last year was \$504,900, at six cents per ton, this giving \$30,294; hence it will follow, that one additional cent per ton would produce \$5,049. The amount is small, perhaps it should be doubled.

While I am recommending the increase of American seamen, I should not do justice to my own feelings, if I did not recommend another measure that is equally connected with commerce. I mean a general provision for sick and infirm seamen. I do not contemplate the building of two or three great houses in some of our principal cities; houses that might administer to the vanity of a nation, rather than to the general comfort of sick and infirm sailors. I would consult the cause of humanity, not of pride.

Wherever it is probable that sailors may be sick, there I would make provision for their support and comfort. Hospitals should be erected, or lodgings

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hired, as the case may be, at every port of entry in the United States for sick and infirm seamen, where they may be properly attended during their several indispositions. The money to be collected at the several ports as hospital money, should be expended at such port, and at no other place, under the care of such persons as may be described for that purpose. Let a small deduction be made from the wages of every seaman, to be paid at the several ports of entry for their use. I have mentioned a deduction from their wages, because this mode of raising hospital money would probably be most acceptable, and because it is certainly the most equitable tax that can be levied.

It will readily be perceived, that the two subjects I have mentioned are nearly allied. While we attempt to increase the number of native seamen for the extension of commerce and general prosperity of agriculture, we should be solicitous to protect and cherish this useful class of our fellow-citizens. The direct tendency of the additional tonnage, is to increase the number of apprentices, and if this measure should have the desired effect, the greater part of that duty will be discharged in drawbacks. A small portion of the duty will be retained according to the plan mentioned, and some owners, less careful, will occasionally pay the whole duty. Perhaps the product of the additional cent may be \$1,000 per annum. This balance may very properly be applied towards a fund for sick and infirm seamen. This fund, however, being contingent, and at most very inadequate to the general use of seamen, it may be necessary to make a small stoppage of their wages as a uniform and certain fund for the support of those very persons when they are sick.

Such are the outlines of two bills that I would recommend to the attention of this House. If I have viewed these subjects in a more serious light; if I have been more anxious than other members to bring them before the House, the situation of my constituents, and the laws of our State, will be my excuse. That part of North Carolina in which I live, abounds in navigable waters, many of my fellow-citizens are owners of vessels, and many go to sea.

The Legislature of North Carolina, attentive to the wants and desires of the people, have lately passed a law to raise money by a tax on the wages of seamen, for the support of sick and infirm seamen. This is a sufficient proof of their desire to cherish commerce, and give particular assistance to those useful members of the community.

I shall now take the liberty of moving that committees may be appointed to bring in bills for the purposes mentioned.

Mr. WILLIAMSON, Mr. LAURANCE, Mr. GOODHUE, Mr. BENJAMIN BOURNE, and Mr. BARNWELL, were appointed to prepare and bring in the same.

THE PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress:

On that part which relates to the reduction of

the Public Debt, Mr. FITZSIMONS offered a resolution to the following purport:

Resolved, As the opinion of this Committee, that measures for the reduction of so much of the public debt as the United States have a right to redeem, ought to be adopted; and that the Secretary of the Treasury be directed to report a plan for the purpose."

Mr. MADISON wished for information before he could agree to the motion just made. The exact state of our finances he conceived necessary to be well known before measures were taken for the reduction of the debt. The House of Representatives had already unequivocally expressed their sentiments on the subject, in their answer to the PRESIDENT'S Speech; but it was not time, he conceived, for the adoption of measures with a view to realize what appeared to be the general wish, until the information on which those measures were to be grounded was received.

Mr. FITZSIMONS argued, that the motion, if adopted, would call forth the information necessary to ground a final measure upon. The recommendation from the PRESIDENT was strong, and the answer of the House as positive; no difference of opinion, he therefore supposed, could exist as to the propriety of reducing the debt. The United States had paid a valuable consideration for the right of reducing it, and the first opportunity of making use of that right, he conceived the best.

Mr. WILLIAMSON was of opinion that information would come in of course. The PRESIDENT, he suggested, no doubt was acquainted with the situation of the revenue, when he recommended the reduction of the debt at the present time. He should be in favor of the motion. He declared it as his opinion, that our public debt was our most dangerous enemy; he wished it could be reduced twice as fast; the irredeemable quality of part of it he much disliked.

Mr. MADISON again expressed it as his opinion that information should form the basis of any provision for the reduction of the debt. If the motion was carried, information no doubt could be obtained before the final adoption of any measure; but he insisted on the necessity of making that information the groundwork of any proceeding on so important a subject.

Mr. MERCER.—No question, he conceived, was of more importance than that involved in the motion before the House. He wished for time to make up his mind on it. It involved one question which had occasioned very warm debate in the House, and which was decided but by a small majority: he alluded to the reference made last session to the Secretary of the Treasury. He conceived it improper to commit to any man what he was bound himself to do. He conceived the power of the House to originate plans of finance, to lay new burdens on the people intrusted to them by their constituents, as incommunicable. As to the main object of the motion, he rather doubted the propriety of adopting, at present, a premature system for the reduction of the public debt. The House, he said, stood in a very delicate situation. A fuller representation will shortly

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succeed the present. He saw a propriety in making a temporary provision to redeem, in order to secure the right of reducing in future. He hoped the House would consent to a delay of a day or two, when members would be better prepared.

Mr. SMITH, of South Carolina, conceived, that as the motion had been made and seconded, some decision must be obtained on it, or that the Committee must rise. He saw no good reason for leaving it to a future House to adopt a permanent plan of reduction. If it was now thought too early a period to accomplish so desirable an object, it would be a good reason for deferring it; but if it was full time, measures for that purpose should be adopted; they should go forward. If the gentleman required further time to make up his mind, the Committee might rise, and sit again in a day or two.

He next made some reply to the objections of the gentleman last up, to that part of the motion which contemplated a reference to the Secretary of the Treasury. The ultimate decision, he remarked, in no one point, was relinquished by such a reference. If such a reference was unconstitutional, he observed, much business had been conducted in the House in an unconstitutional manner, by repeated references to the Heads of Departments. The reference of business to select committees would be unconstitutional, he said, on the same ground.

Turning on the main question—the House, he conceived, were in possession of information already, that would warrant a beginning in the work of reducing the public debt. From the report of the Trustees of the Sinking Fund, read in the morning, it appeared that they had funds remaining in their hands.

The House had pledged themselves, in their answer to the PRESIDENT'S Address, to proceed on the task: now to refer the subject to a future Congress, would appear like great reluctance to go into the measure, and would argue great unsteadiness. The system to be adopted for the purpose contemplated, could not, he conceived, be attempted, in the first instance, in so large a body as a Committee of the Whole House. He hoped the question on the motion would obtain a decision at the present time; but if the gentleman persisted in requesting a delay, he wished the Committee to rise, and ask leave to sit again.

Mr. SEDGWICK conceived, the House did not need any more information than they were in possession of, to see the propriety of adopting immediate measures for the reduction of the debt. The United States, it was evident, he said, are paying more than the market interest upon their debt. It sells above par, and, considering the rate at which loans can be obtained in Europe on the credit of the United States; that mode of reducing the debt was, he said, incontrovertibly eligible. It would be economical for an individual, in similar circumstances, to effect a reduction; and the case was the same, the United States being in the place of that individual. It was agreed to in the House, he said, and re-echoed out of doors, that a public debt was a public evil; it was the duty,

therefore, of the Representatives of the people, to use all the means in their power, whenever opportunity offered, to reduce it.

He made some observations on the propriety of referring the subject to the Secretary, for information and his opinion; and concluded by declaring, that, viewing the main question as he first stated, he could not see any necessity in deferring a question on the motion.

Mr. MERCER expressed some surprise at the disinclination some gentlemen appeared to show to a full discussion on so important a subject. He again objected to a reference. That mode of conducting business in the House, he said, had given very general dissatisfaction. The mode was adopted by a small majority. The House had received, since its adoption, an accession of new members; besides, since, every member had mixed with his constituents, and opinions might consequently have varied since that time. For his part, he said, he should pay great and implicit regard to the opinion of his constituents.

He again adverted to the nature of the trust reposed in the House by the Constitution, in originating money bills, &c., and dwelt on the true import of the word originate, which he conceived could not be explained away, so as to warrant a reference. Besides, he argued, is not a body selected from millions of the people more adequate to the task of originating than a single man?

He hoped that respect to the PRESIDENT'S recommendation would never make the House inattentive to the great interests of the people. The PRESIDENT'S Address had not been so long before the House, as that a short delay should argue disrespect. But the PRESIDENT, in his Address, did not, he said, recommend a reference to the Secretary.

He was willing to give a decision on the first part of the motion, though he would prefer a delay of a day or two; if this, however, was not granted, he should call, he said, for a division of the question. He again adverted to the propriety of taking advantage of the redeemable quality of our debt as soon as possible; observing that the next term of payment of interest came round with the new year.

Mr. FITZSIMONS observed, that he was in the minority on the question adverted to by the gentleman from Maryland [Mr. MERCER;] that he had not since altered his opinion upon that subject, but considered the present reference as very different from the former, and entirely within the letter and spirit of the act for establishing the Treasury Department. He did not believe it would be necessary to impose additional burdens, to effect a reduction of the debt. He believed that the existing finances, assisted by a foreign loan, would enable the United States to accomplish the object. As to the reports from the Treasury or other officers, they will stand on their own merits. If they are bad, they will be rejected.

Mr. MADISON drew a distinction between the deliberative functions of the House and the ministerial functions of the Executive powers. The deliberative functions, he conceived, should be

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first exercised before the ministerial began to act. It should be decided by the House, in the first instance, he conceived, whether the debt should be reduced by imposing new taxes, or by varying the burdens, or by new loans. The fundamental principles of any measure, he was of opinion, should be decided in the House, perhaps even before a reference to a select committee. He did not pretend to determine whether the motion now before the House might not involve a reference of a ministerial nature merely. But he well knew, he said, that the act establishing the Treasury Department had been so construed as to give it a greater latitude than was contemplated when the law passed, much against the opinion of a great portion of the people. In the infancy of our Government, that latitude perhaps might be necessary; but he saw no necessity for it at present.

Mr. PAGE opposed a division of the question, as precluding debate. He wished the motion amended, by striking out the last part.

Mr. FINDLEY was against a reference to the Secretary of the Treasury of a matter which, he conceived, was made the exclusive business of the House by the Constitution.

Mr. MERCER expressed himself in favor of striking out the last part of the motion.

Mr. HILLHOUSE was of a different opinion. His constituents, he conceived, expected their business to be done in the best manner possible, and that he should not rely on his own information only, but endeavor to avail himself of the information of others. He said he should consider himself unequal to the task of taking a share in legislating for the Union, if he was to depend on his own information alone. He expected to derive information from every source. It was the intention of meeting in Congress to collect information from every quarter.

He should despise any one, he said, he should despise himself, if he thought his judgment could be improperly influenced by any plan reported by any of the Heads of Departments. If any system originating with the Head of a Department, appeared the best that could be devised, it should meet the approbation of the House; but if any amendment was thought of, it was the duty of the House to adopt or reject it, according to its merits. He considered reports in the light of information, and dwelt on the necessity of receiving information from every quarter. He was against striking out.

Mr. FINDLEY was in favor of striking out. He was a friend to information, he said, but the reports from Heads of Departments he did not consider in the light of information merely. It was information, and plans built on that, and those plans supported by arguments.

Though a law, he said, had made it the province of the Secretary of the Treasury to report those plans, the Constitution had not enjoined the House to refer; and he hoped the House, being the masters of their own proceedings, would originate such measures themselves. The House had a right to, and, he conceived, should call for what information was wanted to enable them to digest their own plans.

Mr. MURRAY observed, that the debate on the propriety of referring to the Secretary of the Treasury the business contemplated in the motion, had produced but few new arguments; it was a repetition of what was said when the subject was before the House at another time. One new idea, however, he observed, had fallen from the gentleman from Virginia, [Mr. MADISON,] viz: his distinction between deliberative and ministerial functions. This distinction, he conceived, is qualified by the nature of things. It is qualified, in this instance, by the law which establishes the Treasury Department. That law makes it the duty of the Secretary to digest and report plans to ameliorate our finances, without any call from the House. True, the business of the House is to deliberate; but, by references, neither is the power of the House to deliberate infringed, nor does it give the Secretary a right legislatively to deliberate, but to deliberate ministerially; and it was important, he conceived, in a Government framed like ours, that such officers should have the power to deliberate in that manner. The result of their deliberations was not obligatory on the House, no further than it was warranted by wisdom. He was averse to striking out; was willing to allow further time for consideration. He should like to see, for his own part, a statement of the revenue. He again expressed it as his firm opinion that a report from the Head of a Department could no further influence the House than by the weight of the wisdom it contained. Whenever ministerial influence, he observed, was felt in the House, otherwise than by weight of wisdom, it would but little matter, he conceived, whether Secretaries had it in their power to report plans or not. Reports, he conceived, would never have an improper influence, as long as the Legislature preserved their character for wisdom and integrity.

The information derived from the Head of a Department could never, he suggested, be obtained in a more proper manner, than by making it the foundation of deliberation. Supposing the House should undertake to originate without this previous step, and a difficulty should occur for want of information; it would be, he conceived, derogatory to the dignity of the House to apply then to the Secretary for assistance, and more dangerous to proceed in error or ignorance. He rather wished for a short delay; but, if the question was urged, he should certainly vote, he said, against striking out.

Mr. MADISON saw some difficulty in drawing the exact line between subjects of legislative and ministerial deliberations, but still such a line most certainly existed. Gentlemen who argued the propriety of calling on the Secretary for information, plans, and propositions, involved the propriety of permitting that officer, in the shape of a plan or measure, to propose a new tax, and say whether it should be a direct or indirect one. Yet, if it was proposed directly to give this power to the Secretary, few members, he believed, would agree to it. He was in favor of striking out.

Mr. GERRY said, that while the law establishing the Treasury Department was under considera-

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tion, he had opposed that part of the bill which gave the Secretary power to propose to the House a tax, and a plan to carry it into execution. He conceived such a power contrary to the principles of the Constitution. This power is, however, involved in that part of the law which authorizes him to propose, without being called on, plans for the support of credit, for the reduction of the public debt, &c. The Secretary, nevertheless, knowing probably that that power, granted him by the law, was looked upon with a jealous eye by many members of the House, has never exercised it.

He, however, was not averse to referring the object of the motion to the Secretary. He saw an impossibility, if taken up in Committee of the Whole, in rendering the intended measure an uniform part of the great financial whole. The clashing of various opinions would prevent it. If the influence of the Secretary was formidable, he conceived it would be much more dangerous if exerted against a select committee, than in the whole House. He hoped the last part of the resolution would not be struck out.

On motion, the Committee rose, reported progress, and asked leave to sit again.

TUESDAY, November 20.

On a motion made and seconded that there be allowed to Joseph Henderson — per annum, in compensation for his services as Naval Paymaster to the Navy Board, for the Eastern Department, from the 5th day of August, 1778, to — 1782—

Ordered, That the said motion, together with the Report of the Secretary of the Treasury on the petition of the said Joseph Henderson, which was made to this House on the 30th of April last, be referred to the consideration of a Committee of the Whole House to-morrow.

A memorial of William Constable and Company, merchants of the city of New York, was presented to the House and read, praying to be allowed the amount of the drawback on a quantity of teas exported from the port of New York, and duly landed in the port of Dunkirk, in France, in the year 1790, of which they are possessed of sufficient evidence, although not in the form prescribed by law.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

THE MILITIA LAW.

A motion was made and seconded, that the House do come to the following resolution:

Resolved, That a committee be appointed to bring in a bill to amend the Militia law passed last session.

Mr. LIVERMORE rose to inquire, what particular part of the law was the object of the resolution?

Mr. MURRAY explained. He informed the House that it had special reference to the clause which respects arming the Militia. He said, the injunctions of the law, in this particular, imposed equal burdens, on shoulders infinitely disproportioned as to their capacity to sustain them; it enjoins duties

on the major part of the Militia, of such a nature, as renders the law totally impracticable. A man not worth one farthing, is subjected to the same expense with one who may be worth ten thousand pounds a year; the inequality, evident in the operation of such a requisition, is a glaring instance of injustice, and calls loudly for Legislative interposition and relief. He adverted to the particular situation of the State of Maryland, to show the impracticability of carrying the law into execution in that part of the Union.

Mr. WILLIAMSON suggested an alteration in the resolution: It would be better, in his opinion, to have it read, a bill to *amend* the Militia law. He moved for this alteration. Mr. W. observed, that he thought the law susceptible of several amendments; but with respect to the objection of the gentleman from Maryland, he said it applied with equal force to many other parts of the law, particularly with regard to the general performance of Militia duty.

Mr. LIVERMORE stated some objections to the indefiniteness of the resolution.

Mr. GREENUP observed, that he had seconded the motion of the gentleman from Maryland, because he thought many parts of the law might be amended in such manner, as to make it more applicable to the circumstances of the State of Kentucky; which, from its peculiar situation, could not derive those advantages from the law, which other parts of the Union might; the want of which were sensibly felt. He preferred adopting the words to *amend*, in lieu of "supplementary."

Mr. HILLHOUSE objected to the motion. He thought that competent relief, in the case complained of, might be obtained from the State Legislature. He added, that the law had scarcely got into operation; some of the States have made provision to carry it into execution; others are about doing the same; and he doubted the policy exceedingly of taking any steps in the matter, before any experience of the law has been had.

Mr. FRIZZIMONS offered some remarks of a similar nature.

Mr. MERCER supported the motion. He urged a variety of reasons to show the importance of taking immediate measures to amend and ameliorate the law; if this is not done, he said, it will sanction the idea, already entertained by many of the respectable citizens of the Union, that there is a disinclination on the part of many members of the Legislature, to provide for an effective Militia—that a necessity may be induced for a standing army. He adverted to the injustice of the requisition, which enjoins, that a man who is not worth twenty shillings should incur an expense of twenty pounds in equipping himself as a Militia man.

Mr. MURRAY's motion, for a committee, was negatived; fourteen members only rising in the affirmative.

THE PRESIDENT'S SPEECH.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress.

Mr. BALDWIN expressed reluctance in being obliged to rise on the present occasion, but the striking out the latter part of the proposition became indispensable, in order to defeat the dangerous doctrine of precedents, and prevent a future plea on the ground of construction. He was aware of the consequences, and that the practice, unless it should be relinquished, would lead to no good. It has been too common, when a certain object is to be carried—to avoid the defeat which a direct attack might produce—to wind round, in order to make its attainment the more certain, by gradual approaches. By one motion, made on doubtful ground, supported by arguments applying to its particular nature, keeping the doubtful tendency out of sight, one step, by the success of the first motion, is made over the true line; another motion follows, backed by the first as a precedent, and a further encroachment is effected, till when it becomes evident, by such gradual encroachments, that they are advancing to dangerous ground; but then, to excuse a further trespass, precedents innumerable, the general nature of which (although hitherto kept out of sight) now become a strong argument against receding.

When gentlemen talk of light and information only, he would agree with them, for he wished to obtain it from every proper source. It has been made the duty of the Executive Departments to give information to the Legislature, but this information should relate, merely, in his opinion, to statements of facts and details of business, but the laws should be framed by the Legislature, after they had acquired this information.

He wished that it might be explicitly and finally determined how far the Legislative business should be solely transacted by the Legislature, and how much be referred to Executive Departments. He conceived there was a solid difference of opinion in the House, on this point, as well as out of doors. Some persons conceive that the more of the affairs of society that are thrown into the hands of individuals, there will be the greater security against error. Whilst, on the other hand, there were many who entertained a contrary opinion, that there is less danger of passion influencing large Legislative bodies, and that the clashing of interests amongst them is a security against partial and improper bias, at the same time that it keeps them more free.

He did not mean to criminate the Treasury Department, but certainly the law which establishes it, is couched in such general language as to afford a latitude for the introduction of new systems, such as were never expected by the Legislature.

He had frequently, on former occasions, remarked, and now repeated it, that the whole of this mode was introduced under cover of referring the petition of the Pennsylvania public creditors (whilst Congress sat at New York) to the Secretary of the Treasury, with directions to report a *plan* respecting the public credit. But few of the members then suspected, or indeed entertained an idea, that that reference should have produced the *plan* of the Funding System, or that the Excise would be the consequence.

The impost system which the House originated previous to those *plans*, was framed upon very different grounds: first principles were adverted to; information was collected from all parts, with great labor. Had the Treasury Department been established then, this information might have been procured with less trouble; but this once collected, the Legislature made use of it, and framed a law, the formation of which has not been unfavorably considered. There is a material distinction between receiving information on which to ground a law, and a plan of the law ready formed. The latter mode he was opposed to. Gentlemen have said that we may reject what is proposed; but in this case we will only be exercising a sort of revisionary power, very different from a Legislative one; a very material difference from what is contemplated in the Constitution—the difference between originating and possessing only the right of a negative.

The House have as much power over the proceedings of the Senate, as over the plan of a law reported by the Secretary. There is but this difference between the cases, that the plans of the Secretary are well supported by argument. And it is to be presumed that he must have been strongly attached to these forms; they had become children of his mind; and it would be found hard to make him change an opinion of a system which he had spent so much time in maturing, although we should conceive them to be originated against the first principles of Government. Indeed, it is a principle itself, that the Legislative and Executive Departments should be kept as far distant as possible. We, whose privilege it is to originate the laws, should have no remote view of advantage. Although it is difficult to amend the defective parts in a complicated system without endangering the uniformity of the whole, yet it is less difficult to put together the parts from collected materials, and to amend a plan before it has been matured.

The objections which he at first entertained to this method of calling for matured plans from the Heads of Departments, were growing every day stronger in his mind. The propriety of keeping the Legislative, Judicial, and Executive powers distinct from each other, is founded in good sense. It is dangerous to intrust those who have a prospect of deriving some advantage in the execution of a law, to have any hand in framing it. And it is as improper for the Legislative to attend to the execution of a law, as it is for the Executive to meddle in the business of legislation. The principle, if once admitted, may be carried to such lengths as to admit the Judiciary to sit in the House of Representatives; and we shall have them here, in their long robes, introducing plans of laws, with the Secretaries of the Treasury and War Departments. The strong sense he had of the necessity of keeping the Departments distinct, had such force upon his mind as to occasion his opposition even to the introduction of the two Secretaries, the other day, to answer interrogatories in the House. Such a precedent, he feared, might prove a dangerous one, and lean to an interference

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in more important points. He confessed, however, that in some instances the different Departments of Government must necessarily, in some degree, be blended; but he insisted that they should be kept separate as much as possible.

Some gentlemen have gone so far as to intimate that the barrier between them is chiefly theoretical, that it is only a paper barrier. To be sure, said he, the barrier laid down in the Constitution for the separation of the Departments, is not a fence to keep out wild beasts, nor a ditch against a savage enemy, nor even like the wall of China, to keep out the Tartars; yet it is not so theoretical as not to be explicitly understood, and we ought to make it as strong and impregnable as if it were a mound.

Experience is strongly in favor of this principle. Both modes of originating laws have been tried; but that system which originated in the House, according to his opinion, had sat well on the feelings of the people, whose interests and wishes, joys and sorrows, must be better known to their Representatives than it is possible for any Executive officer to be acquainted with, in so extensive a country. Had the same principle been followed in the originating of the Excise law, as was in the Impost, it would most probably have sat better upon the people. His constituents, he contended, had a right to have their feelings represented; and if he found it impracticable to make their voice heard, and sentiments understood with effect in the House, he should consider it his duty to try another mode of forwarding their interests. He would go to where systems originated, and there he would thrust in what information an acquaintance with his constituents put him in possession of, and demand it as a right that their feelings should be consulted. He knew it would be answered, that information was received at the Treasury by private letters and by private conversations. But this was often deceitful information; he knew it to be so in many instances, and that that persons who gave this information would not have readily owned it amongst their neighbors, who might consider that their legal Representatives were the only true sources from which information, concerning their wants or desires, should be derived. If any other mode shall be pursued, it cannot come to good. Upon the whole, he was against the reference, and wished that part of the motion to be struck out.

Mr. WHITE was of the same opinion with Mr. BALDWIN, and spoke against the unqualified practice of giving such extensive powers to the Secretary of the Treasury. The House which will succeed the present will condemn those measures, and he foresaw all these dangers in the second session of the First Congress; that there would hardly be an object of taxation, but what might be thrown into the hands of the Secretary to manage. Indeed, the power given to that officer exceeds the whole powers possessed by the Senate, for their plans do not come accompanied with the improper influence of lengthy argument. He wished, if it were possible, that the House might be left to exercise their own judgments, and that

the Secretary should be restricted to the more Executive part of the business of managing the revenue after, and not before, it has been established by the Legislature.

Mr. GILES was sorry to hear this old contest again agitated. He was also against the reference, and lamented the wrong construction which had been put upon the Constitution. He also declared it to be his opinion, that some of the measures recommended by the Secretary of the Treasury discovered a princely ignorance of the country, for the wants and wishes of one part had been sacrificed to the interest of the other.

Mr. MURRAY was in favor of the reference.

Mr. GERRY also spoke for it. He read the bill for establishing the Treasury Department, from which he argued that the House was bound, that it was their duty, to refer to the Secretary for plans, &c., and he saw no cause for jealousy, or for any faction to be raised against that officer.

Mr. MERCER expressed much astonishment that the honorable gentleman from Massachusetts should suggest an idea that a faction (as he termed it) could exist in that House against the Secretary of the Treasury; his native manliness of character must have fled before he could admit so humiliating a position. That mind must be degraded within, it must have been sensible of a degradation without, before it could so far relinquish the self-love and self-esteem ingrafted in our natures, as to descend into a faction against a Secretary. As a citizen of the United States, he felt and acknowledged inferiority to no created being. As one of their Representatives in the Supreme Legislative Council, he considered himself in a situation more responsible, and invested with an authority more important and dignified than that of any Secretary whatever. And whatever might be the opinions of other gentlemen, these impressions should accompany him through every stage of his political conduct; and they would justify the uniform perseverance with which he had and should continue to preserve the full and entire exercise of the powers vested in him by the Constitution. The honorable gentleman had cited a law to enforce this reference. If this was the case, they had no power to deliberate. This surely must be admitted and be unconstitutional. No former Congress could deprive themselves and their successors of this most important of all their powers, and render themselves the cyphers and instruments of an individual. If it gave the Secretary the exclusive right to originate, it was waste paper, it was nugatory and void; if it did not, he did not see why it should be urged. If it was not wholly exclusive, it ought not to be partially so; for by parting with the power by a reference, it could not be again taken up until a report, which could never make its appearance until accommodated to the wishes of a majority. Those who did not participate in this out-of-doors legislation, were excluded from all the benefits of Government, for a majority once agreed, no representations could break or alter it. He thought himself authorized to say so, from the principles and theory of human nature, and from the practice of the House. But, to lay aside (as

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he ought to do) cotemporary exposition, and to expound the law by the Constitution, he thought he could reconcile them. The Constitution had divided the delegated powers of the people among the three branches, Legislative, Executive, and Judiciary, neither of which could alter or transfer the powers so vested. The Legislative was the first, and the source which brought into activity the other two. The law must be made by them; it must be expounded and supplied by the Judiciary, and executed by the Executive; the two last, by the nature of things, flow from, and so far are dependent on the first, as the only source. Thus the Constitution speaks of Heads of Departments and inferior tribunals: it does not describe their duties; when the Legislature describes their duties, they must be expounded as Executive or Judiciary duties, accordingly as they may respect or appertain to either branch. The Heads of the Departments are the inferior organs of the Executive power. The Constitution permits the head of that branch to propose plans; it may be proper, then, that the different Secretaries may prepare such plans as are within their respective Departments, which the Chief Magistrate may propose to the Legislature, if he sees fit; and when so done, it is constitutional, and the Legislature may, or may not, at their discretion, take them up. Any other exposition is unconstitutional and idle. They are also the expositions of the documents and information that arise in the administration of Government which this House may require of the Executive Magistrate, and which he will communicate as he sees fit. The House may go too far in asking information. He may constitutionally deny such information of facts there deputed as are fit to be communicated and may assist in legislation I always wish for. But I want no opinions resulting from him. If they are to influence me, they are wrong; if not to influence, they are useless. This mode of procedure, of originating laws with the Secretary, destroys all responsibility; it throws it on a man not elected by the people, and over whom they have no control. Men will go in a crowd, and glide down a current, embarked in a system which no one of them would have dared to propose. That practice has proved the theory, let the Executive law evince. Originating with the Secretary, it met little opposition; and I do not believe that any one member, relying on his individual responsibility to his constituents, would have openly, in this House, originated the design. A cavil, however, is raised on that part of the Constitution which confines the originating money bills to this House exclusively. It is said, by some, a bill is not originated until it has passed the House. Suppose a bill goes through one or two readings here, and is rejected on a third; will any man say, such a bill never originated? Surely the first application of general principles to a particular subject, is the origination, and no subsequent stage can be affixed. Some say the Secretary's Reports are like Smith's Treatise on the Wealth of Nations. We do not come here to go to school, or hear lectures from the Secretaries on finance or any other subject. It would be waste

of time to repeat arguments so often and so ably urged. I neither expect nor wish more than temporary expedients from the present representation. I look to the succeeding session, when ultimate and final arrangements, remedying the injustice of the present funding systems and concomitant evils, will take place.

After a few words from Mr. BALDWIN and Mr. PAGE, the question for striking out the latter part of the resolution was called for, and there rose in the affirmative 25, and 31 in the negative.

The Committee then rose, reported the resolution, and the House adjourned.

WEDNESDAY, November 21.

A petition of Thomas Faulkner and Edward Faulkner was presented to the House and read, praying that compensation may be made to them out of the unappropriated lands in the Western country, for the quantity to which they are entitled, as refugees from Nova Scotia, under a resolution of the late Congress, of the 13th of April, 1785.

Ordered, That the said petition be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to establish a uniform system on the subject of bankruptcies throughout the United States; and that Mr. WILLIAM SMITH, Mr. BOUDINOT, Mr. LAURANCE, Mr. WHITE, and Mr. GERRY, be the said committee.

THE MILITIA LAW.

Mr. MURRAY called for the resolution which he laid on the table yesterday, "that a committee be appointed to repeal that clause of the Militia law which relates to the arming the Militia:" this being read—

Mr. MURRAY said he still had hopes, though his first motion had failed. The present motion was to repeal the clause which he hoped to prove obnoxious. As it was more limited than the former one, and as he did not mean by this to go into a general revision of the whole law, but confine the repeal and substitute to the arming clause, he imagined many gentlemen would support his intentions, who yesterday were averse to opening the whole law to revision. The clause in question was obnoxious to his constituents; a late and most intimate knowledge of his district had enabled him with great confidence to say so; and he had reason to believe that unless an alteration in the law took place, no act of the Legislature of Maryland would give it the desired operation in that State. The clause was disagreeable to his constituents, because it was oppressive in principle and impracticable in its operation. It was a principle of political justice, which no occasion could dispense with, that protection and taxation should be commensurate. That wherever a tax was levied for the protection of society, its apportionment among individuals should be as exactly as possible correspondent with the property of each individual. There is so much justice in this, that he did not suppose it would be

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controverted. The oppression that will be felt in the operation of this clause, flows from the violation of that principle. The obligation to arm in a particular manner, as it will produce a uniform expense on men of unequal property, will prove a tax that will act unjustly, because unequally—men will not pay agreeably to their property. To illustrate this is easy, and the plainest mode of showing the truth. By the law, he who has passed his forty-fifth year is exempt from militia duty. It must often happen that men of large fortune will thus contribute nothing towards this species of protection, while the man of very small fortune will be obliged to furnish largely to it, if the father of a family, capable and of age to bear arms. For the sake of harmony and a ready disposition to fall into a patriotic impulse, he much doubted whether his constituents would have murmured much at the violation of the principle; but the impracticability of this clause obliges them to seek relief through their Representatives. The law, in the district he came from, he much feared could not be executed. Each militia-man is to come into the field with a musket or firelock, a bayonet, cartridge-box, and other equipments. These, he verily believed, could not be had. If the citizens—even those who would think lightly of the burden—could not procure these accoutrements, the law must be violated. Congress, he hoped, would not force his well-inclined fellow-citizens to violate the law; but if the law could not possibly be executed, because impracticable, the Legislature would be answerable for the indignities it brought upon itself, by thus prescribing unnecessary hardships. It was, then, to shield Congress, and the dignity of legislation, from the shame of imposing impossible obligations, as well as to redress the citizen, that he wished the clause altered. Several modes presented themselves. The most obvious is, the furnishing of the arms at the public expense; and another is, the furnishing of the arms to such as might, in the opinion of certain officers, be too poor conveniently to find them. Congress might leave it with either the officers of the militia, or with the deputy marshals. The disposition once felt to relieve, would presently designate its mode of accomplishing redress. Fines, too, would prove a perpetually accumulating fund, which could in a few years either be applied to the further purchase of arms, and further exoneration of the poorer class, who might not fall within the idea of the most rigid poverty, or to a reimbursement of the public for the arms first purchased. At all events, it could do no harm to hear what a committee could report on this subject; and when the House reflected that this was the wish of a populous district, and he verily believed of the whole State of Maryland, he did not doubt of at least a sober regard to such claims. A matter of great importance it certainly was, that, as far as is consistent with the good of the whole, the interests and wishes of a part should be attended to. In this case, his constituents argued from no partial views or local motives, but from the fundamental principles of property and taxation, equally applicable to all who thought themselves aggrieved. He was

convinced the clause in question was as impracticable as it was oppressive, and he hoped to have a committee appointed. He felt, that whatever might be the event, he had discharged the duty he owed to his fellow-citizens, and obeyed his own opinions.

Mr. WILLIAMSON strongly reprobated the idea of making the arming of the militia a public expense, as involving a most unequal and oppressive species of taxation, especially as it is conceded that more than one half of the militia are already armed.

Mr. KITTERA said he was opposed to the motion. By a calculation which he offered, he said, the expense of arming the militia at the public charge would amount to forty-two millions of dollars, rating the expense at £20 per man, according to the estimate of a gentleman from Maryland. He reprobated the idea of making any alteration in the law, before any experience of its effects had taken place.

Mr. MERCER supported the estimate he had made of the individual expense; and if it amounted, said he, as the gentleman from Pennsylvania has said, to forty-two millions of dollars, was the expense lessened by its being imposed in the most unequal and oppressive manner? He said he never had any idea of the Government's incurring such an expense. He had no conception of the policy of a militia amounting to seven hundred and fifty thousand men; he never wished to see a militia which should exceed thirty thousand. The plan of arming such an immense mass of militia was, in his opinion, the most absurd idea that could be imagined, and amounted to a relinquishment of all hope of an efficient militia.

Mr. PAGE was opposed to the motion. He objected particularly to Mr. MERCER's idea of arming so small a part of the militia, and pointed out the difficulties which would naturally take place in consequence of different principles being adopted in respect to the arming of the militia. He remarked that the difficulties which had presented themselves in the former discussion of this matter now occurred in full force, and would involve the House in all the perplexities which had heretofore attended the subject.

Mr. DAYTON made a few remarks on the motion. He was opposed to it, and reprobated in strong terms any plan of arming the militia which should give either the State or General Government a right to dispossess them of their arms on any occasion.

Mr. MURRAY added some further remarks, and then the question was determined in the negative; yeas 6, nays 50, as follows:

YEAS.—Benjamin Bourne, Philip Key, John Francis Mercer, William Vans Murray, Thomas Sumpter, and Francis Willis.

NAYS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Hu-

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ger, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Artemas Ward, Alexander White, and Hugh Williamson.

THE PRESIDENT'S SPEECH.

The House proceeded to consider the resolutions reported yesterday by the Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES; which were read, as follows:

Resolved, That it is the opinion of this committee that provision be made by law for the widows and orphans of those persons who may have been killed while under the protection of flags of truce to the Indian tribes.

Resolved, That it is the opinion of this committee that provision be made by law for the maintenance of the intercourse with foreign nations.

Resolved, That it is the opinion of this committee that measures ought to be taken for the redemption of so much of the public debt as by the act entitled 'An act making provision for the Debt of the United States' the United States have reserved the right to redeem; and that the Secretary of the Treasury be directed to report a plan for that purpose.

Resolved, That it is the opinion of this committee that the Secretary of the Treasury be directed to report the plan of a provision for the reimbursement of the loan made of the Bank of the United States, pursuant to the 11th section of the act entitled 'An act to incorporate the subscribers to the Bank of the United States.'

The first and second resolutions were severally again read, and, on the question put thereupon, agreed to by the House.

The third resolution being again read, a motion was made, and, the question being put to amend the same, by striking out the words "and that the Secretary of the Treasury be directed to report a plan for that purpose"—

Mr. PAGE said a few words on the subject, and denied the charge which had been made by some members against others, when they termed their conduct ministerial opposition.

Mr. LAURANCE spoke for some time in reply to the arguments yesterday adduced by those who had called the mode of referring to the Heads of Departments unconstitutional. He insisted that there was nothing coming from the Secretary of the Treasury which partook of a Legislative quality; and, with regard to the plans heretofore proposed by that officer, he was of opinion that they had met with general approbation, and that they had materially assisted the credit of the United States. Before he sat down he took occasion to inform the House that it was not to be expected that the surplus of the revenue, mentioned by the Secretary in his report made at the opening of the present session, would be sufficient for the demands of Government for the year 1793. Other funds must be looked for. His reason for men-

tioning this was in order to bring the subject fairly before the House. With respect to the redemption of the public debt, he presumed every member in the House wished it to be accomplished as fast as possible. And the receiving information from the Secretary could not affect their judgments any more than a plan drawn up by the Clerk of the House could; they were always left free to adopt or reject those plans.

Mr. GERRY added a few remarks in favor of the reference.

Mr. FINDLEY was against it. He was one of those to whom the gentleman from New York alluded as wishing to redeem the debt as fast as possible, and also to receive information even from the Secretary of the Treasury; but I distinguish (said Mr. F.) between requiring information and transferring the power of originating revenue systems. Gentlemen say this is not a money bill, as it does not require a new tax. I consider every appropriation of revenue, or every change of appropriations, or uses of all the public money, to be of the same nature of a money bill, and the originating thereof equally the peculiar trust of this House; the Senate cannot originate in the one case more than in the other.

It is the constitutional duty of the President to inform the Legislature respecting the state of the Union, and to recommend such Legislative business as he may think expedient. The institutions of the Heads of the various Executive Departments are authorized in the Constitution, and have been organized by law. They are the proper Executive channels through which information respecting the execution and practical defects in the laws are to be collected, and with whom the necessary vouchers are deposited; and from those we have a right to call for such information as is necessary. This we not only admit, but advocate; yet gentlemen on the other side continually urge the necessity of information, as if we were opposed to the receiving of it. We are willing, nay, we are anxious to receive, every official information that is to be obtained from the Secretary; but we wish to make a more effective use of it—we wish to improve it in giving the first form to our revenue plans, according to the trust reposed in us. But the gentleman from New York and others say that referring to the Secretary for the organization of the revenue plans is not contrary to the Constitution, and calls upon us to prove that it is. I answer, that the right of transferring that power is not expressed in the Constitution; if so, I apprehend the burden of proof lies upon the gentlemen, and not upon us. The Constitution expressly defines the power of the Executive in giving information, recommending to the Legislature, and of exercising a limited negative upon the laws; it is of the nature of Executive power to be transferrable to subordinate officers; but Legislative authority is incommunicable, and cannot be transferred. To give the first form to revenue plans is a peculiar trust reposed in this House that we cannot transfer even to the Senate; and if that body were to propose a plan to us, we could not accept of it. This trust is peculiarly

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reposed in us, for obvious reasons, which I will not at this time detain the House with explaining. And indeed the constitutional principles involved in this question have been so very ably investigated already by several gentlemen, that more from me on that ground is not necessary; nor could I improve upon what they have expressed. But an argument of another kind has been frequently repeated, and much urged by the gentleman last up, [Mr. GERRY,] viz: that the law which organizes the Treasury Department has made this mode of originating business our duty; that breaking this law would be setting a dangerous example of disobedience to the citizens, &c. The law in question doubtless gives the Secretary a legal capacity of originating money bills, or plans, and makes it his duty when called upon. How far the law is right is another question. But does the law make it our duty to refer this subject to him? I trust not. Had the last House of Representatives a right to originate revenue systems before this transferring law was enacted? Surely not. Had the House of Representatives power to alienate or abridge our rights? This is the strange doctrine that is avowed, but it is equally extravagant and mistaken. This House has equal powers with that which the first House at any time possessed, and the next House will have as much as this. I have as much power as any other member ever had, and the exercise of that power is only subject to the control of the Constitution and the Rules of Order. Will the gentlemen say that I have not a right just now, or at any time, to propose a plan for the very object in question, or for any other revenue purpose? Yes, sir, I have; and if I have, every other member on this floor has; and if the members individually have the right of proposing an original plan, surely the House in its collective capacity has. It is the members of this House who are sworn to the discharge of this duty, and they only are responsible to their constituents. But we are told that referring to the Secretary renders him responsible. Some have said that it even involves the responsibility of the PRESIDENT. I have sometimes thought that the idea of responsibility was the political idol of the times; however, responsibility properly placed is one of the greatest securities in Government. In the Executive Department much of the duty as well as responsibility of office may be transferred or divided; but in the Legislature, where there can be no transfer of duty or trust, there can be no transfer of responsibility. How can a Secretary be responsible for originating either the substance or form of laws? To whom is he accountable for the discharge of this trust? Not to the PRESIDENT, (by whom he is appointed, and on whom only he is dependent for his continuance in office:) no, for this is not an Executive trust. He is not responsible to the people; he is neither intrusted nor chosen by them. He is not responsible to us, for he is not our officer. It is not he, but us, will bear the blame, while we boast of the security arising from responsibility; by improperly dividing Legislative business, we lose the advantages thereof.

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But, passing many arguments worthy of reply, I shall offer a few observations upon what has been much dwelt upon and so often repeated respecting the advantages and disadvantages of the different modes contended for. We are told that referring to the Secretary for revenue systems will secure public credit, by giving stability and system to our revenue, &c.; and the gentleman from New York has told us, that to this method of originating revenue laws, we are indebted for the advantages of our present situation; that we are indebted thereto for our prosperity and wealth. Certainly, if this is true, it proves too much. It proves that we are not capable of discharging the trust reposed in us; in short, that the Republican form of Government under which we are is not suitable for us; if so, it is better to change openly than in this indirect manner. But, Mr. SPEAKER, I ask, if, with all the increase of power and means possessed by the present Government, it is supposable that Congress would not have exercised the powers, nor applied the revenues to proper purposes? Would they have wholly overlooked the contracts and debts of the United States, if the Secretary had not originated the system? Surely this is not a supposable case. I wish he would give a few instances of what we could do; and if we did wrong, the gentlemen would be furnished with new arguments in favor of their plan.

But the same gentleman has told us that the Secretary, digesting the plan, has no more influence on the subject than our Clerk's inserting a clause in a bill would have; that they are equally under our control. I think this is not very consistent with the eminent advantages he has suggested that we have derived from the Secretary's origination of revenue plans. However, I apprehend the difference is very great. The Clerk is wholly dependent on us; he has no patronage, no means of influence annexed to his office, nor would he be permitted to intrude his arguments in support of his plans. But, sir, if we are not capable of giving the first form to our revenue systems without such aid, the better way would be to apply for such an amendment to the Constitution as would enable the House of Representatives to appoint an officer wholly dependent on themselves for that purpose. Surely this would be more proper than to employ an Executive officer over whom we have no official control.

Much has been said of the security arising from our own virtue and discernment being a security against undue influence. I have no doubt but the most venal public bodies would boast as much as we; but our own self-confidence will never justify us in breaking down the constitutional guards which suppose a possibility of undue influence, and provides against the appearance of it.

But we have been repeatedly charged by the gentleman from Massachusetts with endeavoring to introduce the confusion of the old Government. What confusion does the gentleman mean? Is it a confusion of powers? I grant that, though the old Congress did not possess power enough, yet it possessed, in a degree, every kind of power. This we certainly do not aim at; for it is an unauthor-

ized exercise of this confusion of power which we oppose. However, that Government had no efficient revenue powers; and, by the restricted majority necessary to do business with them, and the bad attendance of members, they were perhaps necessarily induced to refer the originating of much of their business to the Boards who were Heads of Departments; from this source I believe it was that the practice was introduced by the new House of Representatives, though the circumstances and powers of the two bodies were essentially different. This method of referring I consider as a part of the confusion of the old Government, which I hope we will no longer tolerate. Surely this method of transferring so influential a part of our Legislative trust was not contemplated by the Convention which formed the Constitution, nor by the State Conventions which adopted it. It is not agreeable to the practice of the State Legislatures, which were the models of the Constitution of the Union: nor is it agreeable to the obvious design of the Constitution itself, or the impressions of the citizens.

Mr. LIVERMORE made some ingenious remarks upon this subject; amongst which, he said that if it was a violation of the Constitution to permit the Executive officers of Government to propose plans, then the President of the United States had been guilty of this breach. He argued ironically, but was against striking out the latter part of the motion.

Mr. GILES and Mr. LAURANCE each rose to explain certain points wherein they had respectively engaged in this debate.

Mr. AMES rose at a late hour in the debate, but before he would pretend to intrude upon the patience of the House, (a motion for taking the question being then under consideration,) he requested to know whether it was most agreeable to put the question? A general desire to hear his arguments, however, prevailed, and he proceeded nearly in substance as follows:

It is so fashionable to introduce the Funding System upon every occasion, it would perhaps appear strange to say that it is out of order upon any. To my mind, and probably to most gentlemen present, it will be difficult to perceive that the question before us bears any relation to that subject, or to the frontier bill, the excise; the perpetual taxes, the encouragement of manufactures, and many other topics, which, somehow or other, have been interwoven with the debate. At this late hour of the day, and in so wearisome a stage of the question, I may be permitted to decline any further notice of these auxiliary subjects.

The great end we have in view is the paying off the Public Debt. This object, truly important in itself, unites the best sense and strongest wishes of the country. It is our duty to provide means for the accomplishment of this end. All agree that a plan is necessary. It must be framed with wisdom and digested with care, so as to operate with the greatest effect, till the whole debt shall be extinguished. The true question is, Which is the best mode of framing this system? Several modes have been preferred by different persons.

Some advocate the appointment of a select committee of this House; others insist that the House in Committee of the Whole is the only proper mode; while others, who defend the original motion, desire to have a plan prepared and submitted by the Secretary of the Treasury. It may obviate the force of many of the arguments we have heard to remark, that it is not asserted that either of the several modes is intrinsically incapable of effecting the purpose. It would be improper to say that a select committee could not be formed who would be able to collect the materials for an exact knowledge of the subject, and who, after acquiring that knowledge, would be able to form a sound judgment. Neither would it be just nor respectful to deny, in the abstract, the capability of the House in Committee to digest such a plan. But the question still returns, Which of the three methods is the best to begin with? Neither this House nor a select committee are pretended to be already possessed of the knowledge which is requisite to the framing a system for a Sinking Fund. The very materials from which this knowledge is to be gleaned are not in the possession of this House—they are in the Treasury Department. Neither the curiosity nor the Legislative duty of members lead them to resort daily to the Treasury to investigate official details; and even if it were so, the officer at the Head of the Department, having his mind incessantly occupied with his official business, must be admitted to possess a more familiar and ready, if not a more ample, knowledge of the subject. Indeed, the situation of the Secretary of the Treasury is so evidently favorable to his digesting the plan of a Sinking Fund, that it seems unnecessary to urge it even to those who are opposed to the reference. For their objections imply the preference of the mode, in point of expediency, as strongly as those who explicitly recommend it. They say the plan of the Secretary will come forward with too much advantage. Members, say they, not having the aid of these means of information which the Secretary possesses, will not be able to resist the train of reasoning with which he will introduce his plan. It is even expressly admitted that the information of the Treasury Department is necessary, and must be called for; but they would not receive it with the reasoning of the Secretary. Without wasting time to prove this point, common sense will decide instantly that the knowledge of our financial affairs, and of the means of improving them, is to be obtained the most accurately from the officer whose duty it is made, by our own law, to understand them; who is appointed and commissioned for that very purpose; and to whom every day's practice in his office must afford some additional information of official details, as well as of the operation of the laws. The arguments on both sides end in the same point, that the information of the Secretary would be useful. Our object being to prefer that mode of preparing a plan which is adapted to present us the best, the argument might end here, if it were not that the Constitution is alleged to forbid our resorting to the Secretary. I reverence the Constitution,

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and I readily admit that the frequent appeal to that as a standard proceeds from a respectful attachment to it. So far it is a source of agreeable reflection. But I feel very different emotions when I find it almost daily resorted to on questions of little importance, when, by strained and fanciful constructions, it is made an instrument of casuistry. It is to be feared it may lose something in our minds in point of certainty, and more in point of dignity.

And what is the clause of the Constitution opposed to the receiving a plan of a Sinking Fund from the Secretary? Bills for raising revenue shall originate in this House. I verily believe the members of this House, and the citizens at large, would be very much surprised to hear this clause of the Constitution formally and gravely stated as repugnant to the reference to the Treasury Department for a plan, if they and we had not been long used to hear it.

To determine the force of this amazing constitutional objection, it will be sufficient to define terms. What is a bill? It is a term of technical import, and surely it cannot need a definition; it is an act in an inchoate state, having the form but not the authority of a law. What is originating a bill? Our Rules decide it. Every bill shall be introduced by a motion for leave, or by a committee.

It may be said the plan of a Sinking Fund, reported by the Secretary, is not in technical, or even in popular language, a bill—not by the Rules of the House or those of common sense is this motion the originating a bill. By resorting to the spirit of the Constitution, or by adopting any reasonable construction of the clause, is it possible to make it appear repugnant to the proposition for referring to the Secretary? The opposers of this proposition surely will not adopt a construction of the Constitution. They have often told us we are to be guided by a strict adherence to the letter; that there is no end to the danger of constructions. The letter is not repugnant; and will it be seriously affirmed that, according to the spirit and natural meaning of the Constitution, the Report of the Secretary will be a revenue bill, or any other bill, and that this proposition is originating such a bill? If it be, where shall we stop? If the idea of a measure which first passes through the mind be confounded with the measure subsequent to it, what confusion will ensue! The President, by suggesting the proposition, may as well be pretended to originate a revenue bill; even a newspaper plan would be a breach of the exclusive privilege of this House; and the liberty of the press, so justly dear to us, would be found unconstitutional. Yet, if, without any order of the House, the draft of an act were printed, and a copy laid before every member in his seat, no person will venture to say that it is a bill, that it is originated, or can be brought under the cognizance of the House, unless by a motion in conformity to the Rules and Orders. The Report of the Secretary in regard to manufactures, so often adverted to, has not yet been acted upon; does that appear on our Journals as a bill? Language

has not yet been perverted to such a degree as to assert any such thing; and yet the constitutional objection implies opinions no less. I rely upon it, that neither the letter of the Constitution, nor any meaning that it can be tortured into, will support the objection which has been so often urged with solemn emphasis and persevering zeal.

If the Constitution be admitted, therefore, to authorize the reference to the Secretary, why should not the mode which is proved to be the most expedient be immediately adopted? Here we meet another objection. It is said, that the Legislative and Executive branches of Government are to be kept distinct, and this reference will produce an improper blending of them. It is a truth that these Departments are to be kept distinct; but the conclusion drawn from it is altogether vague. The execution of every trust requires some deliberation, and many of them call into action the highest powers of the human mind, and the most intense and persevering application of them; yet these trusts are to be Executively performed, and it by no means follows, that the officer charged with them invades the deliberative functions of Congress. On the other hand, many laws are the result of plain principles or parts of the Constitution, and Congress, by enacting them, only executes the Constitution. Yet, here is no encroachment upon the Executive branch. The truth is, the Constitution has allotted powers to the several branches of the Government, and by that rule we are to judge of their several limits. The President proposes measures to the Legislature, in conformity to the Constitution; yet no one ever supposed that his doing so is a departure from a just theory; nor has it, as far as I know, been ever insinuated till of late, in this or any other country, that the calling for information from officers, any more than the calling for testimony from witnesses, amounts to a transfer of our Legislative duty. It is very easy to conceive how much increased information may aid us in deliberating, but it is hard to discern how we are to profit by the want of it. It is true it is our peculiar province to deliberate, but neither the letter of the Constitution, nor the law establishing the Treasury Department, nor the reason of the case, have restrained us from calling for official information. It is not true in fact, that the deliberative and Executive Departments are blended by referring to the Secretary. Any objections deduced from an over-refining theory, and not warranted by the Constitution, might need an answer if we were now framing a Government, but can have no force in the administration of one. Indeed, it is a very scholastic, and very imposing mistake, to abandon the letter and meaning of the plan of Government we act under, and to undertake to reason independently, as if we were now settling the institutes of a political treatise.

The expediency of this question of referring to the Secretary, which is brought into dispute, involves many others which will admit of none. In framing the plan of a Sinking Fund is the officer at the head of our finances to have any agency? If it be said he is not, then, it may be demanded, why

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is an idle officer and an useless office kept up? The sense of mankind as well as the practice of nations, seems to show that where there are finances there should be a financier; that he should possess at least common talents, and more than common industry in the application of them to his duty.

This is not a point to be proved now for the first time. The law of the old Congress and their practice were conformable to this motion. We hear often of the people being opposed to these references. So far as I have been informed the opposition is a novelty. The law establishing the Treasury Department, passed by a great majority, expressly makes it the duty of the Secretary to prepare and report plans of finance. Scarce a whisper of objection was then heard in the House, and not one, I believe, in the country. Our own practice of referring has passed unresisted till of late. Gentlemen now opposed to this reference, in one instance, if I recollect rightly, referred to the Attorney General to revise a plan of the Judicial Department, and on another to require the Secretary of State to report on the means for improving our trade and navigation. These objects partake as much of legislation, and are as incommunicable as the subject of discussion. The former votes and arguments of gentlemen opposed to the present reference, afford some proof of its fitness as well as constitutionality.

The intrinsic reasonableness of this practice is not less than its authority from law and precedent, and what is more, the precedent of its opposers.

Private affairs prosper by skill, economy, and industry, in the management of them. The finances of a nation, though infinitely more important, require nothing more than economy upon a great scale. Let the moneyed affairs of a country be made everybody's business, and nobody will do it. Would you have them prosper, let them be confided to one man, who, however, shall be under the strict control of the law, and rigidly responsible for his doings. That man, if he loves an honest reputation as much as a man of common sense and feeling may be expected to do, will make the public business his own; he will put his character at risk: his time and all his talents will be devoted to the public. Such will be his dispositions; now what will be his opportunities to render service? He will have, at one view before him, the whole arrangements of finance: the imports and exports, the receipts and expenditures, the operation of the law, the means of improving it; the frauds committed or attempted on the revenue, and the checks to guard it: the well founded objections against the law and the prejudices which time or conciliatory conduct may efface, the appropriations of the revenue—the places where and terms on which loans may be obtained, as well as the state of foreign trade; the regulations of foreign nations, and perhaps it may be added, in subordination to the Chief Magistrate, the state of treaties and negotiations. It will be seen that the ordinary discharge of his duty, as well as that which will oblige him sometimes to conflict against prejudices, and sometimes against fraud, will render the details of finance familiar to him, and will almost force him

to adopt plans for reducing this great mass into system and order.

Is it to be denied that in consequence he will possess some means of information which this House or a committee must acquire only by slow and laborious investigation? In pursuing it the time might fail, and the materials get confused. Yet, allowing it effected, they have gained no more than it is his duty to furnish on the order of this House, and this is what we are contending for. If we call for it and he is not able to give it, we shall thus expose his incapacity or negligence. The public opinion, thus enlightened, will soon displace the officer, and a fitter man will succeed him. In this way, the people will exercise an effective control over their servants.

Be the information given by the officer what it may, the sources from which his inferences are drawn, his facts and reasonings, are publicly exposed. They are equally in possession of every member, who is thus placed on an equal, and on the best footing to attack or defend the report. As much cannot be said of the report of a select committee or a Committee of the Whole. It has been intimated, that in framing a report, the Secretary would be liable to misinformation, to some local or other attachments. This is possible, for he is a man; but will the Committee be free from it? The Secretary is answerable for his conduct to the nation, and certainly he is not more subject to local partialities than members are to their respective districts. The advantage of impartiality in the first concoction of a report seems to be evidently in favor of a reference.

It has been said, on the other side, information may be wanted, it is true, from the Secretary; but let the House first make progress in the business, and then receive it by a committee advising with the Secretary. If this may be done, what becomes of the constitutional difficulties and all we have heard of the transfer of our deliberative power?

But, if we are to have the official information, why should we set out without it? why should it not be given openly, so as to put all the members on an equality, and before prepossessions are formed with regard to plans, which might make a late report from the Treasury appear to come in aid of one party or another? Would the style of declamation be less vehement against the secret communications of a Secretary with the Committee, than against a report made in the face of day, and subject to the criticism not only of this House, but of an enlightened nation?

It is not my present design to ask for what purpose of argument or of candor it is so often insinuated, that the question really is, whether this House shall legislate, or whether it shall transfer the power of making laws to the Secretary of the Treasury?

With all this official information previously before us, are we less qualified or worse disposed to deliberate? It would be extravagant to affirm that, in proportion as our means of information are made complete, we are worse situated to legislate; and, as to the spirit of inquiry, I do not remember that the reports of the Secretary have blunted it. From

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the manner in which they have been discussed heretofore, those gentlemen will confide in the assurance I venture to give them, that they will be thoroughly sifted. They have not always passed unaltered, and never without passing through the fire of a debate.

We may repeat it, therefore, what color is there for saying that the Secretary legislates? Neither my memory nor my understanding can discern any. I am well aware that no topic is better calculated to make popular impressions; but I cannot persuade myself that the people will charge us with neglect or violation of duty, for putting ourselves into a situation to discharge it in the best and most circumspect manner.

There is another ground of objection, which is urged against the reference. It is said, it gives undue influence to the Treasury. The reasonings of the Secretary, which accompany his reports, are alleged to excite an influence which cannot be resisted. There are two sorts of influence: one, which arises from weight of reason and the intrinsic merit of a proposition; the other, personal influence. As to the former, it is hard to conceive of the influence of reasoning which cannot be analyzed and made capable of exact estimation by the reasoning faculties of those to whom it is submitted; and that estimation, be it what it may, ought to obtain. No one can wish to see it underrated.

But we are told by the opposers of a reference, that it is incredible that one man, be his official opportunities what they may, should possess more information than the members of this House, collected from every district of the country. Then I answer, with inferior information, it would be impossible his reasoning should overpower and confound the superior information of the House. The members will be in the less danger from this officer, if, as we are told, he is misinformed by correspondents, and has repeatedly discovered on subjects of revenue and finance, a princely ignorance. This, we are told, however, by gentlemen who urge the danger of losing our independence and our faculties of discernment, as soon as we suffer a report, with its reasonings, to be made to the House.

If it be personal influence, independently of reason and evidence, which is apprehended by gentlemen opposed to the reference, for whom do they apprehend it? For themselves, or for us who advocate the motion? Surely, if they do not feel, we do not fear it; we know how to respect their independence of spirit; they would disdain an imputation of the sort; their candor will permit us to say, if it be a neighborly concern they feel for us, there is no occasion for it.

On the whole, if we regard the Constitution, we find not the least color for bringing it into question on this debate. The law and usage of the old Congress corresponded with this motion. Our own Treasury law expressly makes it the duty of the Secretary to prepare and report plans; and shall the practice of one branch run counter to that which is made the course of his duty by the law of the land? It would be an uncommon

and very irregular mode of repealing a law. The advantages of this practice of referring, are manifest and great: more information is obtained, and more order, intelligence, and system, are preserved in the administration of the finances. The old Congress and the several States have exhibited expensive and deplorable proofs of the evils incident to want of order, as well as to the number of systems of finance and financiers. With this mass of evidence before our eyes, it cannot be believed that we shall take any step which will tend to introduce disorder and inefficiency into our finances.

Mr. MADISON closed the debate with a few powerful observations. He insisted that a reference to the Secretary of the Treasury on subjects of loans, taxes, and provision for loans, &c., was, in fact, a delegation of the authority of the Legislature, although it would admit of much sophistical argument to the contrary. The arguments which he had heard, he said, were not satisfactory to his mind; and he peremptorily denied that the plans of that officer came into the House in either an equitable or unbiassed manner. A plan from the Senate might fairly be styled a constitutional one, because it came unsupported by any labored train of argument, and left the House at liberty to exercise its judgment *pro* and *con.*, whilst those of the Secretary of the Treasury were accompanied by a force of reasoning not on both sides, but on one only. This, he insisted, was in opposition to Mr. AMES's doctrine; and, after making a few other remarks, concluded by declaring that it was evident the Secretary's plans were not introduced in such manner as to leave the House the freedom of exercising their own understandings in a proper constitutional manner.

When Mr. MADISON sat down, the question was taken on striking out the latter part of the motion, to wit: for referring to the Secretary of the Treasury to report a plan, &c., and it passed in the negative—yeas 25, nays 32, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Samuel Griffin, William Barry Grove, Daniel Heister, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Aaron Kitchell, John Wilkes Kittera, John Lorraine, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, and Artemas Ward.

And then the main question being put, that the House do agree to the said third resolution, as reported by the Committee of the Whole House, it was resolved in the affirmative.

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Registering of Vessels.

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THURSDAY, November 22.

Another member, to wit, JOHN MILLEDGE, returned to serve in this House for the State of Georgia in the room of ANTHONY WAYNE, whose seat was declared vacant, appeared, produced his credentials, and took his seat in the House.

The House proceeded to consider the fourth resolution reported on Tuesday last by the Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES; and the same being again read, was, on the question put thereupon, agreed to by the House, as follows:

Resolved, That the Secretary of the Treasury be directed to report the plan of a provision for the reimbursement of the loan made of the Bank of the United States, pursuant to the eleventh section of the act, entitled 'An act to incorporate the Subscribers to the Bank of the United States.'

Ordered, That a bill or bills be brought in pursuant to the first resolution reported by the Committee of the Whole House and agreed to yesterday, and that Mr. PARKER, Mr. MACON, and Mr. HEISTER, do prepare and bring in the same.

Ordered, That a bill or bills be brought in pursuant to the second resolution reported by the Committee of the Whole House and agreed to yesterday, and that Mr. SEDGWICK, Mr. DAYTON, and Mr. LEARNED, do prepare and bring in the same.

A Message was received from the PRESIDENT OF THE UNITED STATES, with an abstract of a supplementary arrangement which has been made by him, pursuant to the acts of the 3d day of March, 1791, and the 8th day of May, 1792, for raising a revenue upon foreign and domestic distilled spirits, in respect to the subdivisions and officers which have appeared to him necessary, and to the allowances for their respective services to the Supervisors, Inspectors, and other officers of inspection, together with estimates of the amount of compensations and charges.

The said Message, and papers therein referred to, were read, and ordered to lie on the table.

Ordered, That the Report of the Secretary of the Treasury containing estimates of the sums necessary to be appropriated for the service of the year 1793, which lay on the table, be referred to the consideration of a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the petition of Joseph Henderson; and, after some time spent therein, the Chairman reported that the Committee had had the said Report under consideration, and made some progress therein.

Ordered, That the Committee of the Whole House be discharged from the further proceeding on the said Report, and that it be committed to Mr. AMES, Mr. BENJAMIN BOURNE, and Mr. CLARK, with instruction to examine the same, and report their opinion thereupon to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to reimburse certain extra expenses of the late Commissioners for

treating of Peace with the Creek Indians, and that Mr. AMES, Mr. TUCKER, and Mr. JEREMIAH SMITH, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his Reports on sundry petitions; which were severally read, and ordered to lie on the table.

REGISTERING OF VESSELS.

The House resolved itself into a Committee of the Whole House, on the bill concerning the registering and recording of ships or vessels:

Mr. PAGE opposed the clause which referred to "ships or vessels captured in war." He moved that it should be struck out, as countenancing a savage practice, now exploded and laid aside by civilized nations; that it would be time enough when the United States shall be so unfortunate as to be involved in a war, to make provision for the case now alluded to; that no inconvenience could arise from adopting the motion; that indeed it highly became the Legislature of the United States to adopt it, as they would thereby show their approbation of the liberal and benevolent sentiments now adopted by the greatest and most enlightened nations of Europe, abolishing the inhuman practice. That he supposed the clause had been inserted in the bill, because it was drawn before this circumstance of the benevolent disposition of the nations of Europe were generally known. He hoped therefore that his motion would be agreed to.

Mr. TUCKER seconded the motion, and supported it by arguments similar to Mr. PAGE's; remarking, that the French nation, though now engaged in an extensive war, did not permit the capture of merchant vessels; prohibiting that practice as inhuman and unbecoming a civilized nation.

Mr. GOODHUE, in reply, said, that the motion seemed to look to a state of perpetual peace, but for his part, as he did not think the millenium was begun, he should vote against the motion.

Mr. PAGE replied, that he did not expect the millenium in his day any more than the gentleman did who had endeavored to ridicule his motion. That he was not a little surprised to find that a motion which had a tendency so benevolent, and was in itself so rational, expressed too with modesty and deference to the framers of the bill, should meet with such a reception. He then repeated the substance of what he had before said, as he supposed he had not been heard, and insisted on it that the clause he moved to be struck out was not not only unnecessary in the bill, but was an improper adoption of a practice now condemned as savage by the enlightened nations of the world.

Mr. SEDGWICK remarked in opposition to the motion, that the clause ought not to be struck out, because it was not confined to merchant vessels which might be captured, but extended to ships of war, which, if taken by the United States in any future war, ought certainly to come within the view and benefit of the act.

The question was then put, and carried in the negative without a division.

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Foreign Coins.

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When the bill was reported, Mr. PAGE renewed his motion for striking out the clause, &c., repeating nearly his former arguments, adding that as to the objection made to his motion on account of its interfering with the case of ships of war which may be captured. He said he felt for the United States when such a case was mentioned; he felt himself depressed and dispirited at the idea of his country being so perplexed by the expenses of a trifling war with the Indians, and yet looking forward to the capture of ships of war. That surely if that be the object of the clause, as it looks to a case which cannot happen till a future distant day, it will be time enough for some future Legislature to consider it; that for his part, he hoped never to see the United States possessed of a navy; at all events, till they had one, it would be unnecessary to make regulations respecting their prizes. He assured the House, he would not have renewed his motion, if he did not think it his duty to persist in his attempt to show the propriety of uniting in sentiments and endeavors with the great enlightened nations of the world, to put a stop to a savage practice which had been too often a great inducement to enter into wars. He wished to take away every possible temptation to enter into a war, and whenever his country should be so unhappy as to be involved in one, he wished, by the amendment proposed, to lessen the number of unavoidable evils attending wars.

The bill was then ordered to be engrossed, and read a third time on Monday next.

FRIDAY, November 23.

Mr. AMES, from the committee appointed, presented a bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians; which was received, and read the first time.

FOREIGN COINS.

The House resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes."

Mr. PAGE said, he wished to be informed whether there really was the difference between the French and British coins stated in the bill; if so, how that difference has been ascertained. That a few years since he had examined hydrostatically the different gold coins named in the bill, and a variety of coins of the German Empire; and that although he readily discovered that the specific gravity of the latter was so little as to justify the low value at which they were generally rated, he remembered well, that there was by no means such difference between the specific gravity of the former as could justify the discrimination made in the bill. He added, that he doubted whether, if there really should appear to be that difference between the coins, it would be proper to introduce the distinction by a law of the General Government, as it might be attended with some inconveniences, and might be construed into a partiality to British commerce. He therefore, to take the sense of the Committee, moved to amend

the clause, so as that the gold coins of Great Britain, France, Spain, and Portugal, should be payable at the same rates.

Mr. TUCKER seconded Mr. PAGE, and supported his motion with similar arguments.

Mr. FITZSIMONS said, he should vote against the amendment, because, he believed that the distinction proposed in the bill was really that which did exist in the intrinsic value of the coins alluded to.

Several other members opposed the motion, because, said they, we have no doubt that the Senate, who originated the bill, had considered the subject fully, and had made the proper estimate, on full information, of the real value of the different coins.

Mr. PAGE replied, that since he had only heard the opinions and suppositions of gentlemen opposed to his opinion, and no satisfactory proof offered to support the bill against his amendment, he should persist in his motion; for, said he, although I will not be so dogmatical as to assert that I am right, and the Senate wrong; yet, in a matter of this nature, which admits of positive proof and demonstration, and which, as far as my own actual experiments have gone, establish my opinion, I cannot give it up, till I have been convinced by other arguments than such as I have heard. Had I been told that the different coins alluded to had been examined hydrostatically, or had been assayed by proper persons appointed for that purpose, I should have acquiesced. I might possibly, however, have supposed that they were of a different coinage or emission from those which I had examined. I think the clause under consideration is of such importance as to require full and satisfactory proof to the world, that it has not been adopted without a thorough investigation of the truth and propriety of the discrimination it establishes between the coins of the nations with which we have such a considerable commercial intercourse. With that proof, I should be satisfied, and would defy the invidious suspicion of our being influenced by improper motives; but till such proof be afforded, I must think it would be better to amend the bill as I proposed, which would leave those coins on their present footing during only the short term to which their circulation is limited by the bill.

From what fell from some gentlemen, he said, it appeared that they thought the examination of the relative value of coins could only be ascertained by an assayer. He affirmed that any person acquainted with the use of an hydrostatic balance might easily examine them. That it was with reluctance he said any thing which might look like a scientific parade, but he thought it his duty to bring forward the inquiry he made; and what had fallen from some gentlemen compelled him to explain and support his motion.

To explain what he had said respecting the hydrostatic experiment, he observed, that it had pleased Nature, or rather the Great Author of Nature, to annex to most bodies, and particularly to metal, a different weight. Happily each species of substances have different weights, which, with propriety, are called specific gravities. That, most happily for our purpose, a cubic foot of water

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weighs 1,000 oz. avoirdupois; and a body when immersed in water, displaces a mass of water equal to the bulk of the immersed body, in displacing which mass of water, the body, if suspended to a pair of scales, is found to lose a weight exactly equal to the weight of the mass of water so displaced; so that, if any piece of money be weighed first in air, and then in water, its loss of weight in water will be exactly the weight of an equal bulk of water, which must at once give the comparative weight of that piece of money and of water. And as by this method pure gold has been found to be about nineteen times heavier than water, and copper nine times, which has been generally the alloy used in gold coins, if copper be mixed in any proportion (or any other metal whose specific gravity is known) the specific gravity of the compound may be found, and the exact proportion of each ingredient ascertained; and here I will remark, that as, in the act establishing a Mint, and regulating the coins of the United States, the proportion of silver and copper, which are declared to be the composition of the alloy for our gold coins, is not exactly fixed; there must be a difficulty of finding the real value of that coin without an actual, and accurate assay, and also room for varying its value. But, as this is happily left to the discretion of the Director of the Mint, whose abilities, accuracy, and integrity, are so remarkable, no inconvenience need be apprehended, as there is no doubt that he will observe the trust reposed in him, and that he will point out, from time to time, the exact proportion of these two ingredients of the alloy, which are left by the bill to his discretion. This I looked upon as a defect in the bill, and mentioned when it was before us the last session, as a reason why I wished to have it recommitted; but to return to the question. As I have found that the specific gravity of the gold coins of England, France, Spain, and Portugal, was, as well as I can now remember, about seventeen and an half, and that of some German coins not fifteen; that is, that the former weighed seventeen and a half times more than an equal mass of water, and the latter not fifteen times as much, or, in other words, that a cubic foot of the former weighed 17,500 oz. whilst a cubic foot of the latter would weigh 15,000—I say, as I have found this to be the case, I wish to know now whether any later experiments on those coins have been made to prove that there is a difference stated in the bill; if there have been such experiments I shall withdraw my motion, if not, I must insist upon it.

MONDAY, November 26.

JEREMIAH WADSWORTH, from Connecticut, appeared, and took his seat.

A bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

An engrossed bill concerning the registering and recording of ships or vessels was read the third time, and passed.

A petition of sundry masters and owners of coasting vessels, and others, trading between the ports of New London and New York, was presented to the House and read, praying that the tonnage and fees of office imposed on vessels employed in the coasting trade, may be lessened.

Ordered, That the said petition be referred to the committee appointed to prepare and bring in a bill or bills for regulating ships or vessels employed in the coasting trade and fisheries.

A petition of John Manley was presented to the House and read, praying to be allowed the prize money on certain British ships captured by the petitioner, while a Captain in the Navy of the United States, during the late war.

Ordered, That the said petition be referred to the Secretary of War, with instructions to examine the same, and report his opinion thereupon to the House.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes;" and, after some time spent therein, the Committee rose and reported several amendments thereto; which were severally read twice, and agreed to by the House.

Ordered, That the said bill, with the amendments, be read the third time to-morrow.

A memorial and representation of Warner Mifflin, one of the people called Quakers, was presented to the House and read, stating certain reflections for the consideration of Congress, in relation to the African slave trade, and to the humane treatment of slaves in the United States.

Ordered, That the said memorial and representation do lie on the table.

Resolved, That the Commissioners for the settlement of the accounts between the individual States and the United States, report to the House the time at which they suppose they will be ready to make their final report; and whether any, and what, obstacles remain, to prevent such final report.

TUESDAY, November 27.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to ascertain the fees demandable on Admiralty proceedings, in the District Courts of the United States, and to amend, in part, the act, entitled "An act for the government and regulation of seamen in the merchants' service;" which was received, and read twice, and committed.

Mr. GOODHUE, from the committee appointed, presented a bill for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Governor of the Territory of the United States Northwest of the river Ohio, covering a petition of a number of inhabitants of St. Vincennes, on the Wabash, praying that the resurvey of their lands, directed by a late law, may be made at the public expense; which were read, and or-

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Petition of Warner Mifflin.

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dered to be referred to Mr. LIVERMORE, Mr. MULLENBERG, and Mr. LEONARD, with instruction to examine the same, and report their opinion thereupon to the House.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury, respecting lost and destroyed certificates; and, after some time spent therein, the Committee rose, and reported progress.

WEDNESDAY, November 28.

Mr. PARKER, from the committee appointed, presented a bill to make compensation to the widows and orphans of persons who were killed by Indians, under the sanction of flags of truce; which was received, read twice, and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills granting farther compensation to certain Receivers of Continental Taxes; and that Mr. GILES, Mr. SHEARJASHUB BOURNE, and Mr. SYLVESTER, be the said committee.

The House proceeded to consider the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 9th instant, together with the papers accompanying the same, on the subject of the boundary between the State of Virginia and the Territory of the United States south of the river Ohio: whereupon,

Resolved, That the PRESIDENT OF THE UNITED STATES be requested and authorized, with the concurrence of the States of Virginia and Kentucky, to cause the line to be extended from the western termination of the line formerly run by Fry and Jefferson, on the part of Virginia, and by other surveyors on the part of North Carolina, by a surveyor of sufficient abilities, in the proper latitude, whereby the northern boundary of the territory ceded to the United States by the State of North Carolina may be determined; and that Congress will provide for the necessary expense attending the same.

Ordered That a bill or bills be brought in pursuant to the said resolution; and that Mr. BODINOT, Mr. WILLIAMSON, and Mr. PAGE, prepare and bring in the same.

The bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes," together with the amendments thereto, was read the third time; and, on a motion made and seconded,

Ordered, To be recommitted to a Committee of the Whole House on the first Monday of January next.

Mr. GILES, from the committee appointed, presented a bill granting farther compensation to certain Receivers of Continental Taxes; which was received, read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians; and, after some time spent therein, the Chairman reported that the Committee had had the said bill

under consideration, and made an amendment thereto; which was read.

Ordered, That the said bill, with the amendment, do lie on the table.

WARNER MIFFLIN'S PETITION.

Mr. STEELE called the attention of the House to the memorial and representation of Warner Mifflin on the subject of Negro slavery. Mr. S. said, that after what had passed at New York on this subject, he had hoped the House would have heard no more of it; but, to his surprise, he found the subject was started anew, and had been introduced by a fanatic, who, not content with keeping his own conscience, undertook to become the keeper of the consciences of other men, and in a manner which he deemed not very decent, had intrusted his opinions into this House. Had an application been made to him to present such a petition, he thought he should have avoided a compliance with it. Gentlemen in the Northern States do not realize the mischievous consequences which have already resulted from measures of this kind, and if a stop were not put to such proceedings, the Southern States would be compelled to apply to the General Government for their interference. He concluded, by moving "that the paper purporting to be a petition from Warner Mifflin, be returned to him by the Clerk of the House; and that the entry of said petition be expunged from the Journal."

Mr. AMES rose to explain his motives in presenting the petition. He said it was his opinion, which he had expressed to the House long ago, that this Government could not, with propriety, take any steps in the matter referred to in this petition; but, on the general principle, that every citizen has a right to petition the Legislature, and to apply to any member to present his request to the House, he had handed it in. The petitioner is a citizen of Delaware; and had the member from that State been in the House, he should not have thought himself obliged to have introduced it; but that gentleman being absent, the petitioner had a right to apply to a member from any other State. He had no idea of supporting the prayer of the petition, his mind having been long made up on the subject. He considered it as totally inexpedient to interfere with the subject, and had uniformly opposed the applications made at a former session of Congress.

Mr. LIVERMORE did not consider the motion in order, the subject not being properly before the House; nor did he believe there was any disposition to bring it forward.

Mr. W. SMITH said he had seconded the motion, with a view of putting it out of the power of any member to call it up when persons might be absent who would find it their duty to oppose it. Mr. S. said he admitted, in its full extent, the right of every citizen to petition for a redress of grievances, and the duty of the House to consider such petitions; but the paper in question is a mere rant and rhapsody of a meddling fanatic, interlarded with texts of Scripture, and concluded with no specific prayer. He observed it was the general

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practice of Legislative bodies for members presenting petitions to read them, in order to make known their objects, and to have them entered on the Journal. In this particular instance, the practice might be attended with danger. Citizens of the Southern States learning that papers of this kind meet with countenance here, would be alarmed. The gentleman who presented this paper had not, on this occasion, shown his usual regard to Southern interests. Had he stated its dangerous object, the House would undoubtedly have refused its reception. After the proceedings at New York, when a similar application was made, his constituents had a right to expect that the subject would never be stirred again. He would assure the House, that while he continued a member of it, he should never fail to express his abhorrence against all such applications, as they could have none but a mischievous tendency. So far from being calculated to meliorate the condition of the race who were the object of them, they had a tendency to alienate their affections from their masters, and by exciting in them a spirit of restlessness, to render greater severity towards them necessary. He therefore earnestly called on the House to agree to the motion, and thereby convince this enthusiast, and others, that they can never meet countenance in the Legislature of the Union.

The part of the motion directing the petition to be returned by the Clerk was agreed to. The remainder was withdrawn by Mr. STEELE, the mover.

THURSDAY, November 29.

Mr. WHITE, from the committee appointed, presented a bill to regulate trade and intercourse with the Indian tribes; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and expenditures of public moneys, from the first of July to the thirtieth of September, one thousand seven hundred and ninety-two, inclusive; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Committee rose, and had leave to sit again.

The House proceeded to consider the report of the committee to whom was referred the petition of Lewis Garanger, in behalf of himself and his brother, Charles Garanger: whereupon,

Resolved, That the Comptroller of the Treasury be empowered and directed to adjust and settle the accounts of Lewis Garanger, as a Captain of Artillery, from the twenty-ninth of September, one thousand seven hundred and eighty, until the establishment of peace.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. MADISON, Mr. WILLIAMSON, and Mr. WILLIAM SMITH, do prepare and bring in the same.

On a motion made and seconded,

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause assays and other proper experiments to be made, at the Mint of the United States, of the gold and silver coins of France, England, Spain, and Portugal; and a report of the quantity of fine metal, and of alloy, in each of the denominations of the coins, to be laid before this House.

Ordered, That the said resolution be transmitted to the PRESIDENT OF THE UNITED STATES, by the SPEAKER.

FRIDAY, November 30.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury on the petition of the executors of Edward Carnes, deceased; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to inquire whether any, and what, measures are necessary to facilitate the settlement of claims against the United States, not barred by acts of limitation, founded upon certificates granted, or settlements made, by any officer or officers, heretofore authorized by the United States to issue certificates or make settlements in their behalf, and who have not settled their accounts; and to report the result of their inquiries."

Ordered, That Mr. GOODHUE, Mr. FITZSIMONS, Mr. DAYTON, Mr. PARKER, and Mr. NILES, be a committee, pursuant to the said resolution.

Ordered, That a committee be appointed to prepare and report a bill to amend the act establishing a Mint and regulating the coins of the United States, so far as respects the copper coinage; and that Mr. WILLIAMSON, Mr. PAGE, and Mr. KITTEKA, be the said committee.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made a farther progress therein.

Resolved, That the Secretary of the Treasury be directed to lay before the House the accounts of the Commissioners of Loans, for the current year, by which his estimate is formed for appropriating thirty-five thousand and sixty-three dollars and twenty-eight cents, for the salaries of clerks and for stationery, in the Loan Offices of the United States, to the thirty-first of March, one thousand seven hundred and ninety-three.

MONDAY, December 3.

Ordered, That the petition of Woodrop and Joseph Sims, which was presented to this House on the 8th ultimo, be referred to Mr. KEY, Mr.

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Widows and Orphans.

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GROVE, and Mr. TUCKER, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of a plan for the redemption of the Public Debt, and for the reimbursement of a certain loan made of the Bank of the United States, pursuant to the orders of the 21st and 22d ultimo; which was read, and ordered to lie on the table.

A petition of sundry merchants and traders, inhabitants of the State of South Carolina, was presented to the House and read, stating the disadvantages under which they labor, for the want of a bankrupt law, and praying that Congress will take the subject into consideration, and pass an act thereupon.

Ordered, That the said petition be referred to the committee appointed to prepare and bring in a bill or bills to establish an uniform system on the subject of bankruptcies throughout the United States.

Mr. BOUDINOT, from the committee appointed, presented, according to order, a bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina; which was read the first time.

Resolved, That the Secretary of War be directed to lay before this House a list of the names of the persons returned to his office for pensions, by the Circuit Courts, in pursuance of the act entitled, "An act to provide for the settlement of the claims of widows and orphans, barred by limitations heretofore established, and to regulate the claims to Invalid Pensions," together with the rates of the said pensions, and the causes assigned for disability, accompanied with a statement of such facts and circumstances as may relate thereto.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Chairman rose and reported progress.

The House resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend, in part, the act entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Committee rose, and reported progress.

WIDOWS AND ORPHANS.

Mr. DAYTON's motion, laid on the table on Friday last, was called up by that gentleman, viz:

"That the Secretary of War be directed to lay before this House a list of the names of the persons returned to his office for pensions, by the Circuit Courts, in pursuance of the act, entitled 'An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions,' together with the rates of said pensions, and the causes assigned for disability, accompanied with a statement of such facts and circumstances as may relate thereto."

Mr. DAYTON observed, that he considered it the indispensable duty of the Legislature to inquire into this subject, in order to avoid imposition. He held a paper in his hand containing an account of a number of persons admitted on the pension list by the Circuit Courts, on account of complaints, which if they were generally admitted, would increase the pension list in such manner, as ten times the present revenue of the United States would not be adequate to supporting.

Mr. B. BOURNE observed, that the Government had vested a discretionary power with the Secretary of War to check the grant of pensions in improper cases; that the Secretary was preparing a report on this subject; and that a full statement of the whole matter would be laid before the House. He therefore saw no necessity for the resolution.

Mr. SEDGEWICK said, he hoped nothing was intended by the motion to counteract the benevolent views of the Legislature, in the only act of Legislative generosity ever exhibited by this Government, the law of the last session making particular provision for invalids. Mr. S. said, he thought the necessary information on the subject would come before the House in course; but he was anxious that no steps should be taken, on account of some improper grants of pensions, to frustrate the designs of Government, or divert the justice and humanity of the country from a class of citizens who have fought the battles of the Union and to whom the United States are so much indebted for their present freedom and happiness.

Mr. CLARK, Mr. W. SMITH, Mr. LAURANCE, and Mr. HILLHOUSE, supported the motion. It was said that the law was found inadequate to the purpose for which it was made; that while in some cases it was not carried into execution, in others very improper grants of pensions had been made. Information was wanted; this information may be obtained; the law is defective, and ought to be revised. Justice, therefore, to real objects, to guard against impositions, and to make that provision which the finances of the country are competent to, impose a necessity that the motion should be adopted. In reply to the objection, that information would come in of course from the War Office, it was said, the motion went to several points, on which it was not the duty of the Secretary to report, unless he was required to do it.

TUESDAY, December 4.

A bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina was read the second time, and ordered to be committed to a Committee of the Whole on Thursday next.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the Register's detail of the estimate of thirty-five thousand and sixty-three dollars and twenty-eight cents, for the clerk hire and stationery of the several Loan Offices of the United States, to the thirty-first of March next, made pursuant to the order of Friday last; which was read, and ordered to be referred to the consideration of the

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Appropriations—Creek War—Moses Young.

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Committee of the Whole House, to whom are referred the estimates of appropriation for the current year.

ESTIMATES OF APPROPRIATIONS.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three. The papers on which the estimate of the expense of the Loan Offices was founded, were read.

The accounts of the Loan Officers of Massachusetts, New York, Pennsylvania, Maryland, and Virginia, were particularly called for, and read in detail. The expenses of these offices were very different, owing to the business being much greater, by reason of transfers, in some States than in others. The amount of the expense was generally complained of. It was observed that some other mode of doing the business ought to be adopted, or, that those for whose advantage these numerous transfers are made, should bear a due proportion of the expense occasioned thereby. Several alterations or corrections were made in the estimate respecting this article.

The sum of fifty thousand dollars for the contingencies and incidental expenses of the War Department, having been struck out, Mr. STEELE moved that the blank be filled with five thousand dollars.

This motion was withdrawn, and was succeeded by another, to the following purport: "That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before the House a statement of the items constituting the sum in the estimate proposed to be appropriated for contingent, incidental, and conjectural charges in the War Department." This motion was objected to as informal in itself, and contrary to the practice of the House; it was urged that the proper mode would be to call on the officer at the head of the War Department, to lay before the House the necessary documents. It was accordingly moved that the words "the PRESIDENT OF THE UNITED STATES" be struck out of the motion, and that the Secretary of War should be directed to lay before the House, &c. The motion for striking out was lost; and then the question on the motion as originally made, was put and carried.

Mr. FITZSIMONS, from the committee to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES of the 7th ultimo as relates to a statement of the administration of the fund appropriated to certain Foreign purposes, together with the papers accompanying the same, made a report; which was read, and ordered to lie on the table.

EXPENSES OF THE CREEK TREATY.

The House proceeded to consider the amendment reported by the Committee of the Whole House the 28th ultimo, to the bill to reimburse certain extra expenses of the late Commissioners for treating of peace with the Creek Indians: whereupon,

The question being taken, that the House do concur with the Committee in the said amendment for filling up the blank in the said bill with the words "twelve thousand dollars:"—it passed in the negative—yeas 24, nays 25, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Daniel Heister, Daniel Huger, Amasa Learned, John Milledge, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Theodore Sedgwick, William Smith, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Benjamin Bourne, Abraham Clarke, Jonathan Dayton, William B. Giles, James Gordon, Christopher Greenup, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Cornelius C. Schoonmaker, Peter Sylvester, Israel Smith, John Steele, Thomas Sumpter, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

And then, a motion being made, and the question put, to fill up the said blank with the words "nine hundred dollars," it was resolved in the affirmative.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

WEDNESDAY, December 5.

An engrossed bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians was read the third time; and, on the question that the said bill do pass, it passed in the negative—yeas 20, nays 21, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Thomas Fitzsimons, John Laurance, Samuel Livermore, John Milledge, Frederick Augustus Muhlenberg, John Page, Theodore Sedgwick, William Smith, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

NAYS.—John Baptist Ashe, Benjamin Bourne, Abraham Clark, Jonathan Dayton, James Gordon, Israel Jacobs, Philip Key, Aaron Kitchell, George Leonard, John Francis Mercer, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Peter Sylvester, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Alexander White, and Hugh Williamson.

And so the bill was rejected.

PETITION OF MOSES YOUNG.

The House proceeded to consider the report of the committee on the memorial of Moses Young. Whereupon,

The resolution reported by the said committee, in the words following, was read, to wit:

"That the said Moses Young hath a just claim on the United States for the full amount of his salary, at the rate of five hundred pounds sterling per annum, from the eighteenth of October, one thousand seven hundred and seventy-nine, to the thirtieth of August,

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one thousand seven hundred and eighty-two, including the usual allowance of three months for returning to America; and that, after deducting the sums received from Doctor Franklin, and by his attorney, Joseph Nourse, the balance ought to be paid by the United States."

The facts of the case are these: Mr. Young was appointed Secretary to Mr. Laurens on his embassy to Holland. Mr. Laurens, it appears, had recommended to Mr. Young to take but one half of his salary, in consideration of the embassy's having proved inefficient; and, as an inducement, informed Mr. Young that he (Mr. Laurens) intended to relinquish the whole of his salary. Mr. Young, from patriotic motives, and influenced by the example of Mr. Laurens, accordingly relinquished one half of his salary as Secretary aforesaid; but finding afterwards that Mr. Laurens had, on his return to America, received his full salary and emoluments from the Government, as Ambassador, Mr. Young, in the petition, prays that he may be paid the full amount of the salary he had, on the aforesaid considerations, relinquished. All the vouchers and documents relating to this subject were read: among others, an account settled between the United States and Mr. Young. The question, therefore, according to the opinion given by the gentlemen who supported the petition was, whether the present Government should avail itself of this settlement made under the circumstances already stated, and thereby preclude the petitioner from the full allowance to which he was, by a resolution of the former Congress entitled, especially as by the account settled it appears that Mr. Young made a reservation of a further claim. It was observed that the allegations in the petition were supported by the most explicit declarations on the part of Mr. Laurens; and that the petitioner was clearly and justly entitled to the sum he had relinquished on a contingency which had not taken place, but directly the reverse; it was said that it would be little short of taking a pettifogging advantage of the petitioner.

In opposition to the report in favor of the petitioner, it was said that the settlement made at the public office appears to have been done deliberately, and the allowance of the salary of £250 sterling, was made pursuant to certificates received from Mr. Laurens, as a full salary. It was urged, that if the Legislature should rip up transactions so long settled, and do away accounts finally closed with the proper officers, it would be a most dangerous precedent indeed. It was constantly echoed in the House, that these settlements were not to be disturbed; and the consequence, it was easy to perceive, would be of the most perplexing nature; there would be no end to the applications which would take place; applications, accompanied with circumstances whose pretensions, it was said, were much more weighty and important than that now under consideration. It was further observed, that it does not appear that Mr. Laurens had deviated from his agreement with Mr. Young, in settling his account; for, though he had received his full salary as Ambassador, it plainly appears that he did not receive it merely as a compensation for

his services as such, but in part as an indemnification for other services, and for losses he had sustained in consequence of being in public employment; and, therefore, Mr. Young's claim on account of a supposed violation of contract on the part of Mr. Laurens, is not well founded; and, besides, it was remarked, that Mr. Young, in the account he has settled, has no reference in his note of reservation, to any subsequent claim on account of any contract between him and Mr. Laurens. After a long debate, the question on agreeing to the report of the committee in favor of the petitioner, as above stated, was put and negatived, 27 to 25.

Mr. W. SMITH then moved that the petition of Moses Young, with the additional evidence and documents accompanying the same, be recommitted to a select committee. This motion was lost.

THURSDAY, December 6.

Mr. MADISON, from the committee appointed, presented a bill to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war; which was read twice, and committed.

Mr. KEY, from the committee to whom was referred the petition of Woodrop and Joseph Sims, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The SPEAKER laid before the House a Letter and report from the Commissioners for settling the accounts between the United States and the individual States, pursuant to the order of the 26th ultimo; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same; and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. SEDGWICK reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

The SPEAKER laid before the House a Letter from JOSHUA SENEY, one of the members for the State of Maryland, stating his acceptance of an appointment in the Judiciary Department of the said State, which disqualifies him from a seat in this House; which was read, and ordered to lie on the table.

The following Message was received, with closed doors, from the PRESIDENT OF THE UNITED STATES:

UNITED STATES, December 6, 1792.

Gentlemen of the Senate, and

of the House of Representatives:

The several measures which have been pursued to induce the hostile Indian tribes, North of the Ohio, to enter into a conference or treaty with the United States, at which all causes of difference might be fully under-

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stood, and justly and amicably arranged, have already been submitted to both Houses of Congress.

The papers, herewith sent, will inform you of the result.

G. WASHINGTON.

The papers accompanying the said Message were read, and ordered to lie on the table.

CASE OF WOODROP SIMS.

Mr. KEY, of the committee on the petition of Woodrop and Joseph Sims, brought in a report, which was, that the relief prayed for ought to be granted.

The reading of the petition was called for, the prayer of which is, that they may be released from the payment of duties on sundry goods lost on a voyage from New York to Philadelphia.

A motion was made to accept the report of the committee.

Mr. GOODHUE observed, that though he was disposed to grant relief in the case, yet he saw no principle on which it could be done; had the owners insured a sum sufficient to have covered the duties, they would have avoided the additional loss occasioned by having given bond for them. He thought that the House ought to proceed with great caution, as granting relief in the present case would be establishing a precedent which might be attended with great inconvenience and eventual loss of revenue.

Mr. W. SMITH said, that relief had been granted in a former case, which perhaps was similar; though he did not perfectly recollect the circumstances: and said he wished the law he alluded to might be read. He suggested the propriety of receiving the opinion of the Secretary of the Treasury, as it was of the greatest importance that a full investigation of the subject should take place previous to any decision.

Mr. FITZSIMONS observed, that this was an individual case; it stood on its own merits; every member of the House was fully competent to forming an opinion on it; and he hoped the House would determine respecting it for themselves.

Mr. FITZSIMONS then stated the particulars to show that this was a case of peculiar hardship and misfortune; and that the loss of the duties to which the petitioners were exposed, arose in part from an excess of official attention on the part of the Collector of New York. After some further remarks by different gentlemen, the petition and report were referred to a Committee of the Whole, for Monday next.

FRIDAY, December 7.

The Letter from Mr. SENEY, containing his resignation was again read, and a motion made to refer the same to a committee; some debate ensued on this motion, in which the question was started how far it was in the power of a member of the House to vacate his seat; the solution of this, it was said, would involve a lengthy discussion of some constitutional questions; if it was the

opinion of the House that the present case naturally included this discussion, the reference ought to be to a Committee of the Whole. Some gentlemen thought that the most simple process was to accept the resignation, and make entry accordingly in the Journal; a notification to be sent to the Executive of the State of Maryland. The motion for commitment of the Letter was negatived; a motion was then made that the SPEAKER of the House notify the Executive of the State of Maryland of a representation of that State, by the resignation of Mr. SENEY. This motion was negatived and the Letter laid on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying certain statements, together with a Letter from the Comptroller of the Treasury, relative to the disbursements made by the Department of War, in the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, pursuant to the order of the thirteenth ultimo; which were read, and ordered to lie on the table.

Mr. SEDGWICK, from the committee appointed, presented a bill to continue in force for a limited time, and to amend the act, entitled "An act providing the means of intercourse between the United States and foreign nations; which was received, read twice, and committed.

The House again resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend in part the act, entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Committee rose and reported progress.

The following Message was received, with closed doors, from the PRESIDENT OF THE UNITED STATES:

UNITED STATES, December 7, 1792.

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

I lay before you two Letters, with their enclosures, from the Governor of the Southwestern Territory, and an extract of a Letter to him from the Department of War.

These, and a Letter of the ninth of October last, which has been already communicated to you, from the same Department to the Governor, will show in what manner the first section of the act of the last session, which provides for calling out the Militia for the repelling of Indian invasions, has been executed. It remains to be considered by Congress whether, in the present situation of the United States, it be advisable or not to pursue any further or other measures than those which have already been adopted. The nature of the subject does, of itself, call for your immediate attention to it; and I must add, that, upon the result of your deliberations, the future conduct of the Executive will on this occasion materially depend.

G. WASHINGTON.

Ordered, That the said Message, together with the papers herein referred to, be committed to a Committee of the Whole House on Monday next.

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MONDAY, December 10.

Mr. WILLIAMSON, from the committee appointed, presented a bill to amend an act, entitled "An act to promote the progress of Useful Arts;" which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing the copy of a letter from the Governor of Georgia, together with certain communications relative to Indian affairs; which were read, and ordered to be referred to the consideration of a Committee of the Whole House to-day.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to establish a uniform system of bankruptcy throughout the United States; which was received, read twice, and committed.

The House resolved itself into a Committee of the Whole House on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had had the said Message and papers under consideration, and made some progress therein.

TUESDAY, December 11.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, on the petition of Abraham Scribner and Thomas Cable; which were read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had again had the said Message and papers under consideration, and made a further progress therein.

WEDNESDAY, December 12.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing a statement of certain materials whereon the estimate of contingencies of the War Department, for the year one thousand seven hundred and ninety-three, are founded; also, an explanation of certain heads of articles in the general estimate, called "conjectural;" which were read, and ordered to be referred to the consideration of the Committee of the Whole House on the Report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three.

A memorial of Moses Young was presented to the House and read, praying to be compensated for certain services as Secretary to Mr. LAURENS and to Doctor FRANKLIN, on their embassies to Holland and France, for which he has received no satisfaction.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial was presented of John Nicholson, Cornelius Barnes, John Mitchell, junior, and Norton Pryor, creditors of the United States, who loaned money between September, one thousand seven hundred and seventy-seven, and March, one thousand seven hundred and seventy-eight, praying that an appropriation may be made for the payment of the arrears of interest due, and the annual interest accruing on the amount of their respective claims.

Ordered, That the said memorial do lie on the table.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Committee rose and reported progress.

On a motion made and seconded that the House do come to the following resolutions:

Resolved, That a loan to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States, be opened at the Treasury of the United States, and at the loan offices in the respective States, to commence within — months after the said balances shall be reported at the Treasury, and to continue open for the term of — months, from the time of its commencement.

Resolved, That the sums to be subscribed to such loans be payable in the principal or interest of the certificates or notes issued by any such of the said States, as, upon the final settlement of accounts, shall have a balance due to them from the United States, and which shall have been liquidated to specie value prior to the — day of — last.

Resolved, That every subscriber to the said loan shall be entitled to certificates according to the sum subscribed, of the like tenor and description, in the like proportions, and upon the like terms, as are specified and directed by the fifteenth and sixteenth sections of the act, entitled "An act making provision for the Debt of the United States," except that interest on such of the certificates subscribed to the said loan as bear interest, shall be computed to the last day of the year one thousand seven hundred and ninety-three, inclusively, and that interest shall not begin to accrue upon any of the certificates which shall be issued in lieu thereof, till the first day of January, one thousand seven hundred and ninety-four.

Resolved, That in all cases where the sum subscribed in the evidences of the debt of any State shall exceed the balance due to such State, the same shall be reduced (in equal proportions) to the sum actually due to such State."

Ordered, That the said motion be referred to the consideration of a Committee of the Whole House on the first Monday of January next.

The House again resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to

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amend in part the act, entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Committee rose and reported progress.

THURSDAY, December 13.

ANDREW GREGG, from Pennsylvania, appeared and took his seat in the House.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act concerning the registering and recording of ships or vessels," with several amendments; to which they desire the concurrence of this House.

Ordered, That the Report of the Secretary of the Treasury of a plan for the redemption of the Public Debt, and for the reimbursement of a certain loan made of the Bank of the United States, which lay on the table, be referred to the consideration of a Committee of the Whole House on this day fortnight.

The House proceeded to consider the amendments reported on Thursday last, by the Committee of the Whole House, to the bill for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same; and the said amendments being severally twice read were, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments, do lie on the table.

Resolved, That the Secretary of War be directed to lay before this House a Return of all the commissioned officers, non-commissioned officers, and privates, belonging to the regular establishment of the United States, specifying the regiments or corps to which they belong, and the times of their entering the service.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. SEDGWICK reported that the Committee had again had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

Resolved, That, for defraying the expenditure of the Civil List of the United States for the year one thousand seven hundred and ninety-three, together with the incidental and contingent expenses of the several Departments and offices thereof, there be appropriated the several sums of money following, to wit:" [Here follow the several items.]

Resolved, That, for making good deficiencies for the support of the Civil List Establishment, for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses; for the support of light-houses, and for the establishment of ten cutters, and for other purposes, there be appropriated the several sums of money following, to wit:" [Here again follow the items.]

Resolved, That, for defraying the expenses of the War Department for the year one thousand seven hundred and ninety-three, there be appropriated the following sums, to wit:" [The items follow.]

Resolved, That, for making good the several and respective sums of money aforesaid, there be appropriated—

"1st. The sum of six hundred thousand dollars, reserved by the act making provision for the Debt of the United States.

"2d. The surplus which may remain unappropriated for the use of the War Department, in the year one thousand seven hundred and ninety-two.

"3d. So much of the existing revenues of the United States as are unappropriated."

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. LAURANCE, Mr. BALDWIN, Mr. JEREMIAH SMITH, Mr. STEELE, and Mr. GILES do prepare and bring in the same.

PUBLIC DEBT.

The report of the Secretary of the Treasury, containing a plan for the reduction of the Public Debt, on motion of Mr. SEDGWICK, was referred to a Committee of the Whole.

A motion for its being made the order of the day, this day week, was opposed. Mr. MURRAY objected to so early a day. The subject, said he, is important; the State of Maryland has a right to six votes in this House; it so happens, that four seats of the representation from that State are vacant. He wished, therefore, that a more distant day may be appointed, as, in that case, it was highly probable that State would be more fully represented. Other reasons for a more distant day were urged by several gentlemen. This day fortnight was finally agreed to.

The House took into consideration the amendments by the Committee of the Whole to the coasting bill. They agreed to some of the amendments reported, with amendments; others were rejected. A clause was proposed to be added, requiring from the owners or masters of vessels a particular enumeration of all the goods, wares, and merchandise transported in the several coasting vessels from time to time. This occasioned some debate; it was objected to as involving a great and unnecessary expense, without affording a corresponding benefit; as tending to obstruct the coasting trade, so as almost to destroy the same. It was said it would be nugatory, being in many cases impracticable. The clause was supported, as conducive to information relative to the products and real consumptions of the several States—points on which very different opinions were entertained; that the expense would not probably be more than the addition of one clerk to the Treasury Department; that the duty would devolve on the collectors, and be a business, of course, &c. The motion was at length withdrawn. Some verbal corrections were made in several sections; and then, by general consent, the bill was laid on the table for further consideration.

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Estimates of Appropriations—Registering Vessels.

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ESTIMATES OF APPROPRIATION.

The House then resolved itself into a Committee of the Whole on the estimate of appropriations, Mr. SEDGWICK in the Chair. The Chairman observed that the subject was before the Committee without any specific proposition.

Mr. KITCHELL moved that the Committee should rise, and report the resolutions submitted some time since.

It being remarked that these resolutions were yet to be determined on, having never been reported to the House, they were again read; and then a motion for the Committee to rise and report was made and agreed to. The Committee accordingly rose and reported the resolutions, which were taken into consideration by the House. The items of the estimate were again recited. The sum in the estimate for the support and expenses of the Loan Offices occasioned considerable conversation. The accounts of the several Loan Offices were again called for; that from the officer at New York being read, it was remarked that the amount of this account exceeded that of Pennsylvania, and, indeed, of all the other accounts. This disparity, it was said, was very extraordinary, and did not appear to be accompanied with any sufficient reasons for so great a difference; and though the accounts had been settled by the proper officers of the Treasury, yet that they were liable to be revised by the House.

Some remarks in opposition were made.

The question on agreeing to the sum reported in the estimate for the Loan Offices, was carried in the affirmative.

The House having proceeded through the items included in the several resolutions, a motion was made and agreed to, that a committee be appointed to prepare and report a bill in conformity thereto; and Messrs. LAURANCE, BALDWIN, SMITH, N. H., STEBLE, and GILES, were appointed.

A motion that the estimate of contingencies received from the War Department, with the other papers relative to the estimate of appropriations, be referred to the select committee, was, after some debate, superceded by a motion to adjourn.

FRIDAY, December 14.

Mr. WILLIAM SMITH, from the committee to whom were referred the petitions of sundry persons, praying to be placed on the list of pensioners of the United States; also, a Letter from the Judges of the Circuit Court for the District of North Carolina, relative to the act passed the last session of Congress, regulating the claims to Invalid Pensions, made a report; which was read, and ordered to be referred to the consideration of a Committee of the Whole House on Monday, the 31st instant.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying lists of the names of persons returned to his office for pensions, by the Circuit Courts of the United States, together with the rates of the said pensions, and the causes assigned for disability, pursuant to the order of the 3d instant; which was

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read, and ordered to be referred to the consideration of the Committee of the Whole House last appointed.

Mr. LIVERMORE, from the committee to whom was referred the petition of a number of the inhabitants of St. Vincennes, on the Wabash; together with a Letter from the Governor of the Territory of the United States Northwest of the River Ohio, accompanying the same, made a report; which was read, and ordered to lie on the table.

The House proceeded to the consideration of the amendments proposed by the Senate, to the bill, entitled "An act concerning the registering and recording of ships or vessels." Whereupon,

Resolved, That this House doth agree to the amendments to the fifth section.

Resolved, That this House doth disagree to the amendment to the seventeenth section of the said bill.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act in addition to, and alteration of the act, entitled 'An act for settling the accounts of the United States with the individual States;'" to which they desire the concurrence of this House.

The said bill was read the first time.

REGISTERING VESSELS.

The amendments of the Senate to the bill providing for the registering and recording of ships or vessels were taken into consideration. The first, second, and third amendments were agreed to. The fourth amendment was to strike out the 17th section of the bill, which was designed to guard effectually against collusion in regard to American vessels—it having been ascertained that impositions in this respect had been practised with success. The amendment of the Senate was objected to; it was said it left the door still open to the owners of foreign vessels to evade payment of foreign tonnage. Mr. GOODHUE, Mr. WILLIAMSON, Mr. SEDGWICK, Mr. PARKER, and Mr. MADISON, opposed the amendment.

Mr. FITZSIMONS appeared to be partially in favor of the amendment; he observed that there was no clause in the British navigation law, equally rigid with that proposed in the bill, and which the Senate have objected to. He observed that the policy of such restrictions as went to discourage the building of vessels in the United States may well be doubted; but though he was not perfectly satisfied with the clause in the bill, yet he should not vote to concur with the Senate.

Mr. W. SMITH said he agreed with the gentleman from Pennsylvania in his remarks, but should draw a very different conclusion, and should therefore be in favor of concurring with the Senate; but if the House should not be disposed to concur, he inquired whether the proposal to strike out the clause could not be adopted without agreeing to the substitute?

Mr. BARNWELL was in favor of concurring with the Senate.

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Mr. PARKER opposed the amendment. He said the operation of the proposed clause from the Senate might tend to increase the building of American vessels, but would most certainly tend to the injury of the mercantile interest in general. The collusions alluded to by several gentlemen, he observed, had undoubtedly taken place; and, if there is not some effectual provision, like that in the bill, adopted, the commerce of the United States in a few years would be transferred to foreigners altogether.

Mr. MADISON was opposed to the amendment. He added a few remarks, corroborative of the sentiments delivered by Mr. PARKER; and then the question being put, the amendment of the Senate was disagreed to.

The House again resolved itself into a Committee of the Whole House on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had again had the said Message and papers under consideration, and made a farther progress therein.

MONDAY, December 17.

The bill sent from the Senate, entitled "An act in addition to, and alteration of the act, entitled 'An act for settling the accounts of the United States with the individual States,'" was read the second time, and ordered to be committed to a Committee of the Whole House on the second Monday of January next.

The House resolved itself into a Committee of the Whole House, on the Report of the Committee to whom was referred the Report of the Secretary of the Treasury on the petition of the Executors of Edward Carnes, deceased; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. SEDGWICK reported that the Committee had had the said Report under consideration, and come to several resolutions thereupon; which were severally read twice, and agreed to by the House, as follow:

Resolved, That all persons having claims upon the United States, not barred by any act of limitation, whether founded upon certificates, or other written documents from public officers or otherwise, (except Loan Office certificates, certificates of final settlement, Register's certificates, and certificates issued pursuant to the act making provision for the Debt of the United States,) shall exhibit the same at the Treasury of the United States within ——— months, or be forever barred from payment or settlement.

Resolved, That the accounting officers of the Treasury be authorized to settle and adjust, after the expiration of the term aforesaid, all such of those claims as shall appear to them proper to be admitted, and to report to Congress upon all such as they may not think proper to admit.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. GOOD-

HUE, Mr. FITZSIMONS, Mr. DAYTON, Mr. PARKER, and Mr. NILES, do prepare and bring in the same.

A message from the Senate informed the House, that the Senate recede from their amendment disagreed to by this House, to the seventeenth section of the bill, entitled "An act concerning the registering and recording of ships or vessels.

The House again resolved itself into a Committee of the Whole House, on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had again had the said Message and papers under consideration, and come to no resolution thereupon.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the same, and that the said Message and papers do lie on the table.

TUESDAY, December 18.

A memorial of the officers, now residing in the State of New York, of the late American Army, in behalf of themselves and their brethren the soldiers of the said Army, was presented to the House and read, praying that the depreciation which accrued on the certificates of Debt granted them in reward for their military services during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit. Also, a memorial of the Pennsylvania line of the late Army, to the same effect.

Ordered, That the said memorials do lie on the table.

The House resumed the consideration of the amendments reported by the Committee of the Whole House, on the 6th instant, to the bill for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same. Whereupon,

Ordered, That the said bill, with the amendments, be recommitted to Mr. GOODRUE, Mr. FITZSIMONS, and Mr. PARKER.

The House proceeded to consider the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians, which lay on the table. Whereupon,

A motion being made and seconded that the House do come to the following resolution:

"*Resolved*, That the President of the United States be authorized to employ such part of the military force and of the Militia of the United States, as he may judge necessary, for the effectual protection of the frontiers; and (if he shall judge it expedient) to carry on offensive operations against the Indians of the five lower Cherokee towns, called Chickamagas, and such other of the Indian tribes as may hereafter commit acts of depredation against the lives and property of the citizens of the United States."

A division of the said motion was called for. Whereupon,

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Reduction of the Army—Coasting Bill—Indian Trade.

[H. OF R.]

The question being put, that the House do agree to the first part of the said motion, in the words following, to wit:

Resolved, That the President of the United States be authorized to employ such part of the military force and of the Militia of the United States, as he may judge necessary for the effectual protection of the frontiers; and (if he shall judge it expedient) to carry on offensive operations against the Indians of the five lower Cherokee towns, called Chickamagas."

It passed in the negative—yeas 21, nays 27, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Christopher Greenup, Samuel Griffin, Thomas Hartley, Daniel Huger, Richard Bland Lee, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

NAYS.—John Baptist Ashe, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Daniel Heister, James Hillhouse, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Peter Sylvester, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

And so the said motion was lost.

WEDNESDAY, December 19.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing an extract of a letter from Brigadier General Wilkinson; also, a copy of a letter from James Seagrove, relative to Indian Affairs; which were read, and ordered to lie on the table.

Resolved, That the Committee of the Whole House, to whom is referred so much of the Report of the Secretary of the Treasury made on the 3d instant, as relates to a plan for the reimbursement of a certain loan made of the Bank of the United States, be discharged from the consideration of the same; and that a committee be appointed to report a bill authorizing a loan equal to the sum borrowed of the said Bank, to be applied to the said reimbursement, and providing that so much of the dividend in the stock of Government in the said Bank, as may be necessary, be appropriated for paying the interest of the sum to be borrowed.

Ordered, That Mr. SEDGWICK, Mr. LAURANCE, and Mr. MURRAY, be a committee, pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House, on the bill to regulate trade and intercourse with the Indian tribes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

THURSDAY, December 20.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, on the petition of Ludwig Kuhn; which were read, and ordered to lie on the table.

A memorial of the officers, now residing in the State of Maryland, of the late American Army, in behalf of themselves and their brethren the soldiers of the said Army, was presented to the House and read, praying that the depreciation which accrued on the certificates of Debt granted them in reward for their military services during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie on the table.

REDUCTION OF THE ARMY.

Mr. STEELE laid a resolution on the table, to the following purport, viz:

"That a committee be appointed to prepare and bring in a bill to reduce the military establishment of the United States to ——— regiments or corps, consisting each of ——— non-commissioned officers, privates, and musicians, with such proportion of commissioned officers as the President may think proper to continue in service; and to repeal so much of an act passed the 5th of March, 1792, entitled 'An act for making further and more effectual provision for the protection of the frontiers of the United States,' as may contravene this intention."

This motion, Mr. STEELE said, he was influenced to bring forward, from two motives: the first was, to afford more effectual protection to the frontiers; the other was, that, by this reduction, a sum of money might be drawn from the War Department, to be applied to the reduction of the Public Debt, so that a necessity for new taxes, to effect that object, may be superceded.

COASTING BILL.

The select committee to whom the coasting bill had been recommitted reported sundry amendments; which were taken into consideration by the House, and all of them agreed to.

Mr. CLARK objected to a clause in the 12th section, which enjoins that every change of the master of every packet or ferry-boat shall be reported at the custom-house the first opportunity.

Mr. DAYTON stated the inconveniences to which the masters and owners of the small coasting craft and packet boats belonging to the State of New Jersey would be particularly exposed by this injunction, where the masters are very frequently changed.

To remove this objection, Mr. GOODHUE proposed to insert the words "ferry-boats excepted."

This motion was adopted.

It was then ordered that the bill be engrossed for a third reading.

INDIAN TRADE.

The amendments reported by the Committee of the Whole to the bill to regulate trade and intercourse with the Indian tribes were taken into consideration.

Objections were made to the 5th section, which contemplates legislating and punishing crimes committed within the boundaries of the Indian countries. It was contended that the cases mentioned were fully provided for by treaties, or by the laws of the respective States; the whole ground, it was said, is covered by these provisions; and therefore there appears an impropriety, if not an absurdity, in enacting, in a subsequent law, that certain punishments shall be inflicted for certain crimes, which are sufficiently recognised by the several treaties already formed; that the attempt would operate unjustly; the provisions may reach our own citizens, but cannot affect so fully as they ought the savages. It was moved that the whole section should be stricken out.

In opposition to this motion, it was said that the power of the General Government to legislate in all the territory belonging to the Union, not within the limits of any particular State, cannot be doubted; if the Government cannot make laws to restrain persons from going out of the limits of any of the States, and commit murders and depredations, it would be in vain to expect any peace with the Indian tribes. The power of Congress to legislate, independent of treaties, it was also said, must be admitted; for it is impossible that every case should be provided for by those treaties.

The question being called for, Mr. CLARK rose and observed, that he conceived it was of importance that the House should vote with their eyes open; and, to enable them to do this, he said he should read the ordinance of the late Congress, passed in 1787, respecting the settlement of the Western country. He observed that he believed very few of the members had turned their attention to it. He accordingly read such parts of the ordinance as he thought essential to the point, which was to show that the clause of the bill now under consideration would in its operation violate the solemn stipulations with the settlers contained in the ordinance, as full provision is contained in the ordinance to institute all civil and criminal processes. The motion for striking out the section was negatived. The amendments of the Committee of the Whole were agreed to, with some amendments. Various subsequent amendments were moved, with various success, some being agreed to and others rejected. Without finishing the discussion of the bill, the House adjourned.

FRIDAY, December 21.

Mr. SEDGWICK, from the committee appointed, presented a bill providing for the reimbursement of a Loan made of the Bank of the United States; which was read twice and committed.

A petition of Robert Ralston, Assignee of the estate of Thomas Barclay, was presented to the House and read, praying that payment may be made to him as legal representative of the said Thomas Barclay, for the amount of certain claims for services rendered by him to the United States previous to the 16th day of May, 1791.

Ordered, That the said petition be referred to

the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

The House again resolved itself into a Committee of the Whole House, on the bill to ascertain the fees demandable on Admiralty proceedings, in the District Courts of the United States, and to amend, in part, the act, entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Committee rose, and reported progress.

APPROPRIATION BILL.

Mr. LAURANCE, from the committee appointed, presented a bill making appropriations for the support of Government for the year 1793; which was read twice and committed.

Mr. STEELE proposed that the bill should be postponed to the first Monday in January. He observed that he had laid a motion on the table for a committee to report a bill to reduce the military establishment of the United States. This appropriation bill makes provision for the present establishment; and if it is acted upon and passed immediately it will preclude an opportunity for discussing the merits of the proposition contained in the motion which he had made.

The motion for the first Monday in January was negatived.

Mr. STEELE then moved the last Monday in December; which being put, was carried.

INDIAN TRADE.

The House resumed the consideration of the bill to regulate trade and intercourse with the Indian tribes. A motion to amend the fifth section by altering the clause which makes it felony for any citizen or citizens of the United States unlawfully to invade any Indian settlement, to fine and imprison for that crime, occasioned considerable debate. This motion was finally superceded by one to recommit the bill; which being carried, it was recommitted to the select committee which reported it. On motion, Mr. BALDWIN and Mr. MURRAY were added to the committee.

MONDAY, December 24.

An engrossed bill for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, was read the third time and passed.

A memorial of the merchants and traders of the borough of Wilmington, in the State of Delaware, was presented to the House and read, praying that so much of the existing revenue laws of the United States as do not allow a drawback upon goods, wares, and merchandise, unless they are exported from the district or port into which they were originally imported, may be revised and amended.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the copy of a Letter from the Governor of Georgia, together with an enclosure, relative to Indian affairs in the Southern department; which were read, and ordered to lie on the table.

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Resolved, That the Secretary of the Treasury be directed to lay before this House an account of the application of the moneys borrowed in Antwerp and Amsterdam, for the United States, within the present year.

REIMBURSEMENT OF LOAN.

The House resolved itself into a Committee of the Whole on the bill to provide for a reimbursement of a Loan made of the Bank of the United States—Mr. WHITE in the Chair.

The bill was read by the Chairman, and then considered in paragraphs.

The first section being read—

Mr. GILES said he was rather in favor of postponing the subject; but if it is peculiarly advantageous to the interest of the United States to make provision for this object immediately, he suggested whether it would not be better, if possible, to provide for it without having recourse to the expedient of a new loan. He was averse to increasing the Debt of the United States by additional loans. He was rather in favor of applying the property belonging to the United States in the Bank of the United States for the purpose. He therefore moved that the section should be stricken out which provides for a loan, in order to substitute a clause providing for the sale of the shares in the Bank, owned by the United States, that the proceeds may be applied to the reimbursement of the Loan.

Mr. SEDGWICK doubted whether the motion was in order, as it went to a totally different object from any specified in the bill.

The Chairman remarked that a motion to strike out the section was in order.

Mr. FITZSIMONS observed that, if the idea of the gentleman was adopted, he was clearly of opinion that the sale of the shares would not produce a sum adequate to the object, as bringing such a number of shares to market would undoubtedly reduce the price greatly below the present market price.

Mr. GILES said he was rather desirous of a postponement of the subject; he was not prepared to decide upon it; he suspected many gentlemen in the Committee were in the same predicament; he would therefore withdraw his motion for striking out, under a persuasion that no sudden decision would take place.

Mr. FITZSIMONS stated several reasons why the Committee should proceed in the business; particularly as it involves an economical disposal of property now lying useless, and a provision for the support of the public credit; no increase of the public debt is contemplated, said he, but directly the reverse.

Mr. CLARK said he never, while he had a seat in the House, would consent to a foreign loan, unless the exigencies of the country were much greater than at present. He had rather pay seven and a half per cent. to our own citizens than five per cent. to foreigners. He objected to the indefiniteness of the section, and moved to amend it by adding a clause which should confine the Loan within the United States.

Mr. FITZSIMONS suggested to Mr. CLARK a proviso, agreeable to his own idea, that the interest be at six or eight per cent.

Mr. CLARK replied that he had no doubt it might be had at six per cent., or less.

Mr. WILLIAMSON said he wished the gentleman would point out how he would contrive to prevent foreigners from being our creditors, even by confining the Loan to the United States. At an interest of six per cent. you will in fact give a premium of above two hundred thousand dollars per annum, which might be saved by opening a Loan at five per cent. in Europe. Devise what contrivance you please, (said Mr. W.,) it must be a foreign Loan.

Mr. BOUDINOT observed that the motion of his colleague amounted to the same thing in the result as the motion for striking out the section. The Loan is now at six per cent.: to say that a new Loan shall be made at six per cent. to pay it off, is losing all the advantages proposed by the bill. He was therefore against the motion.

Mr. GILES moved that the Committee should rise and report progress. He observed that very material information was wanted, in his opinion, to enable the Committee to proceed understandingly in the matter.

The motion for the Committee's rising was put and negatived.

Mr. CLARK's motion to amend the section, by adding the word "within" before "United States," was also negatived.

The Committee proceeded through the discussion of the remaining sections.

Mr. MADISON offered several observations to show the propriety of postponing the bill for a few days, in order to the members having time to revolve in their minds several propositions which have been suggested in relation to this subject—whether by an appropriation of the sum, which it is said now lies dormant in the Treasury, whether by a sale of the shares in the Bank, or by a Loan, to provide for the object.

Mr. FITZSIMONS stated some objections to what fell from the gentleman last speaking. The gentleman's idea goes to an immediate interference with an appropriation already made, and leaves to a contingency a provision to supply its place.

Mr. MADISON replied to Mr. FITZSIMONS. He thought the gentleman offered as good a reason as he could have suggested in favor of applying the money in the Treasury to the object now in question.

Mr. GILES urged postponement. He remarked that the zeal shown by some gentlemen to precipitate the matter to a decision, amounted to an exercise of deliberation on the subject.

Mr. SEDGWICK stated several reasons which rendered it absolutely necessary that no delay should take place.

A motion being made that the Committee should rise and report the bill, the same being put, was agreed to.

The Committee rose accordingly, and reported the bill, with one amendment; which was, to strike out the word "fifteen," in the first section,

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referring to the time for which the Loan should be made. This amendment was agreed to by the House, and the bill laid on the table by general consent.

WEDNESDAY, December 26.

Mr. BENSON, from the committee appointed, presented a bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named; which was read the first time.

REIMBURSEMENT OF LOAN.

The House proceeded to consider the bill providing for the reimbursement of a Loan made of the Bank of the United States, which lay on the table. Whereupon,

A motion was made and seconded to amend the said bill by striking out the first section, in the words following, to wit:

"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 is hereby, authorized to cause to be borrowed, on behalf of the United States, a sum not exceeding two millions of dollars, at an interest not exceeding five per centum per annum, to be applied to the reimbursement of a loan made of the Bank of the United States, in pursuance of the eleventh section of the act entitled 'An act to incorporate the subscribers to the Bank of the United States:' Provided, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums borrowed within — years after the same shall be lent or advanced."

Mr. STEELE declared himself in favor of the intention of the bill. He wished the honor of the country to be preserved, and its debts duly discharged, as much as any man; but he could not approve of the repeated practice of making new loans. The facility of borrowing money is mostly attended with dangerous consequences, both to individuals and to States. For his part, notwithstanding the unpopular appearance of direct taxation, he would prefer it to the system of loans. He was anxious to hear the opinions of other gentlemen, and wished the subject might be fairly discussed, in order to afford an opportunity for which, he had moved that the first section of the bill be struck out, so that, if this motion should prevail, some other plan than borrowing might be substituted.

Mr. GILES seconded the motion.

Mr. MADISON was desirous to hear the reasons that could be given by the friends of the bill for requiring so much greater a loan than the sum demandable by the Bank. He observed, that there was a large balance of money lying in the Treasury unappropriated, at least, to his knowledge. If, however, this balance was appropriated by the Executive, he wished to know it. He did not suppose but that if it was, it must have been done with propriety; and he would be one of the last men in the House to injure any existing appropriation.

Mr. SEDGWICK, who was of the committee that reported the bill, rose to reply to Mr. MADISON. He said, that the subject involved a degree of delicacy at present which perhaps it would be better not to express. It is known that money has been borrowed for certain purposes which has not yet been applied; but this money, he thought, ought not to be diverted to other purposes, without providing a substitute to replace the sum which might be diverted, and such provision ought to be made before the time when it would be wanted to answer the original appropriation. In reply to Mr. STEELE, he said, this new loan was not intended to increase the debt of the United States, but to decrease it by paying a debt bearing an interest of six per cent. with a loan at five.

Mr. MADISON said, that either the public money lying dormant in the Treasury is or is not appropriated. If it is appropriated for carrying on the Indian war, he was of opinion it could not be touched by a diversion in favor of the Bank, upon the uncertainty of having it replaced by a fresh loan to answer the original specific appropriation. Perhaps (said Mr. M.) I am ignorant of my situation; if so, I hope gentlemen will relieve me by explaining candidly the real state of the matter.

Mr. BALDWIN had recourse to the two acts for empowering the President to borrow twelve millions of dollars, and afterwards two millions. The former was to answer an existing demand against the United States; the latter was made at the Bank for another purpose, and all that is demandable is the first instalment and interest, which he was willing to have discharged, but he was opposed to replacing it by a new foreign loan. He remarked, that the United States had been regular in paying off their interest and instalments—and of the foreign debt there is only a part demandable—but the disposition of the whole is disliked; and it is in the power of the United States to alter it, by making provision for the whole amount, if they please to do so. The President is authorized to do this, provided he can do it on advantageous terms. The creditors were not consulted when this law was made, and the United States will be guilty of no breach of faith provided they pay their interest and instalments as they fall due.

Mr. GERRY went over the laws respecting the former loans, and the law for redeeming the public debt, also the act for making the loan at the Bank. From all which, he argued that the question was simply reduced to this: Whether the President shall be empowered to take up a loan at five to pay a sum borrowed at six per cent. interest, and provisionally to make use of the money obtained by loan which is at present lying inactive? And if this be not agreed to, the United States must go on paying to the Bank annually, for ten years, two hundred thousand dollars; and, at the end of that time, fifty-five thousand dollars more will have been paid there, if the President was now authorized to borrow at five per cent. The question, therefore, was, is this sum worth saving? For his part, he was against paying a higher interest anywhere than five per cent.; and, with re-

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gard to foreigners, if it was alleged that our stocks would be kept from getting out of the hands of our own citizens as much as possible, he thought this a vain expectation, for it is impossible to prevent it, so long as foreigners find it their interest to purchase.

An idea had been started of selling out part of the stock owned by the United States, as this would lower the price by throwing too great a quantity into market. He should prefer keeping it until the present disorders in Europe subsided.

Mr. WILLIAMSON did not approve of the motion, because he was opposed to the idea of selling the Bank stock belonging to the United States. He rather wished that they held twice as much property in that institution. But, if the stock was sold, it would pass into foreign hands, and the country would be drained of the specie. It would, therefore, be better to keep it in circulation in the country. It is the only thing that can be called secure. Indeed, he doubted whether that property could be honestly parted with, considering that the law incorporating the Bank specifically provides for the retaining two millions of dollars stock. The other eight millions has been subscribed for, perhaps the greatest part of it by foreigners or other agents, and now, if the motion under consideration prevails, we shall throw away out of our hands the remaining two millions. It certainly gave a security and solidity to the institution, and was an encouragement to many subscribers, the idea that the United States held a considerable share of the stock; but now, to dispose of that stock would be putting them in a worse situation than they originally were. It would have an effect something like an *ex post facto* law.

Mr. MADISON expressed some surprise at the arguments of the gentleman last up, because they were absolutely in direct contradiction to the gentleman's opinion, and the opinion of the Legislature, and the Reports of the Secretary of the Treasury on all former occasions; for it has hitherto been held up as a valuable and secure resource in case of emergency to have that stock to dispose of, and why shall it not be of the same quality with the stock of any other subscriber—transferable?

It is the first time (said Mr. M.) I ever heard the thing denied, that the United States should dispose of their stock whenever it became the interest of the country to do it, with equal facility as other stockholders do. I believe, however, the gentleman [Mr. WILLIAMSON] may have been right in his intentions, but he is certainly wrong in the application of his arguments. Mr. M. again expressed a desire that some candid explanation might be given respecting the appropriation of the money lying dormant in the Treasury, whether it was demanded abroad by the country to which it was due, and for which it had been borrowed. There was not any necessity for hurrying a decision on one part of the question—respecting the propriety of borrowing at five per cent. to pay off a debt at six, that could be deliberated upon without precipitation. The other part of the question involved a very different subject, that of diverting a sum already appropriated for a particu-

lar purpose, and applying it to another purpose, they paying the Bank instalment, &c., and this on no better foundation than the uncertainty of a new loan to replace the original appropriation. He declared, that he could not see how gentlemen would be able to answer to their constituents for such conduct, especially if it was originally intended to satisfy the debt or instalments due to France—a debt of justice and of gratitude. If it was intended to pay a debt to support a glorious cause, the cause of liberty, he wished it could be sent there, if possible, on the wings of the wind! It may be argued that the whole of this debt is not yet demandable; yet, as an appropriation has been made to pay it, it is presumable that it would be particularly acceptable, from the situation of France at this time. He concluded by declaring his dissent from any diversion of the appropriation, unless further light could be thrown on the subject than had yet appeared.

Mr. WILLIAMSON rose to explain. In regard to the notice which Mr. MADISON had taken of his arguments, he proved that the last-named gentleman had misunderstood him, and that he was equally anxious with him, both as to the honor of the country and the propriety of its measures.

Mr. HILLHOUSE was against the motion, and in favor of making the new loan. He said nothing as to the diversion of the money appropriated to pay a part of our engagements to France, only that it was his opinion there had been no demand made on the part of that country.

Mr. MURRAY expressed opinions very nearly similar to those of Mr. BALDWIN. He particularly noticed that the President was allowed a discretionary power to extend the loans, or not, as he should judge the interests of the country concerned. He took a general view of the arguments advanced by Mr. MADISON and Mr. WILLIAMSON, and noticed the honorable course of France.

Mr. MADISON rose again to explain in regard to the misconception of his arguments by Mr. WILLIAMSON. He was willing to admit of any reason for a diversion of the appropriation of the former loan intended to pay part of our debt to France, except one. He would admit of any reason from the Executive but one, and that was, what he had heard alleged, not in but out of Congress: "That there would ever exist a possibility of paying the debt over again." This reason he could never admit; because, although it might be vainly presumed that the present Government of France had not yet arrived at a proper stage of maturity, yet it must be evident to all the rational part of mankind that it was sufficiently established to insure it against all possibility of a retrograde motion.

Mr. GILES had seconded the motion of Mr. STEELE on this ground, that, although a sum of two hundred thousand dollars was wanted on the first of January, to pay to the Bank of the United States, yet, it did not follow from thence that two millions must be borrowed. He remarked, that no member had yet offered any explanation, on behalf of the Executive, how the money lying dormant was disposed of, or intended to be. He

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could not see any great advantage in borrowing a new loan, although at five per cent., when it must be considered that an agency or *douceur* has always been paid of from four to five per cent., over and above the interest. This premium entirely destroys the arguments of gain to the United States; for we shall lose sixty thousand dollars by it, and, until the term of fifteen years shall have arrived, we will not make a beginning of savings, according to the Report of the Secretary of the Treasury on this very subject. After some further remarks, Mr. GILES moved that the Secretary of the Treasury be directed to lay before the House a statement of the loans and the applications thereof.

Mr. FINDLEY expressed himself in favor of the motion.

Mr. STEELE particularly observed, that, in the course of the debate, a glimmering of light had been opened on the subject of loans, which he hoped might lead to a complete investigation. Loans had originated in an intention of saving money to the public; but it was now become the duty of Congress to see how much new debt had been created, and what proportion it bore to the amount extinguished. For his part, he would rather a paltry sum of sixteen thousand dollars were lost to the United States than that the House should go on voting in the dark.

Mr. VENABLE said, that, considering the *douceurs* and premiums which had been paid for foreign loans at a low interest, we were now in a worse situation than before those loans had been contracted for, because they had increased the capital of our public debt eighty thousand dollars, and it will require a term of four years to bring about an equality in the interest, and to reduce it to an average of five per cent.

In reply to this, Mr. FITZSIMONS took occasion to correct a mistake which the last mentioned member had committed. The premiums and *douceurs* paid on different loans, he said, had not averaged more than from four to four and a half and five per cent. on the whole capital; and he called upon the House to witness whether there was not a very material difference between the capital at five per cent. and one at six per cent. It must be evident there is so great a difference in the capital that the five per cent. reduces every £100 at six per cent. to £83 6s. 8d., besides the continual and multiplied decrease produced on the reduced interest itself.

Mr. VENABLE said, the gentleman's arguments would only hold good upon a supposition that the capital was never to be paid; but it must be granted that the United States have retained the power of paying it off at any time, and in this case the arguments in favor of new loans accompanied with premium falls to the ground.

Mr. GERRY and Mr. BOUDINOT insisted that the loan contemplated would produce the great saving to the United States of \$160,000 in fifteen years.

Mr. TUCKER was against striking out the whole of the first section, unless a substitute was adopted to pay off the instalment to the Bank of \$200,000, but he observed, that, as there was a dividend due

from the Bank upon the stock owned by the United States of \$60,000, it would therefore be necessary to provide for no more than the sum of \$140,000.

The question being called for, was put, upon striking out the whole of the first section, and passed in the negative—yeas 18, nays 35, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Christopher Greenup, William Barry Grove, Richard Bland Lee, James Madison, Andrew Moore, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, and Abraham Venable.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, John Wilkes Kittera, Amasa Learned, George Leonard, Samuel Livermore, John Milledge, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, William Smith, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Alexander White, Hugh Williamson, and Francis Willis.

Another motion was then made, and the question put, to amend the said bill by striking out, in the said first section, the words "two millions of dollars," and inserting, in lieu thereof, the words "two hundred thousand dollars."

The yeas and nays being demanded by one-fifth of the members present, there appeared—yeas 27, nays 26.

Whereupon, the SPEAKER declared himself with the nays.

Those who voted in the affirmative are—

John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Philip Key, Aaron Kitchell, Richard Bland Lee, James Madison, John Milledge, Andrew Moore, Nathaniel Niles, Josiah Parker, Cornelius C. Schoonmaker, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Those who voted in the negative are—

Jonathan Trumbull, *Speaker*, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, John Wilkes Kittera, Amasa Learned, George Leonard, Samuel Livermore, William Vans Murray, Theodore Sedgwick, Peter Sylvester, William Smith, George Thatcher, and Jeremiah Wadsworth.

And so the said question was lost.

Another motion was then made and seconded, to amend the said bill by striking out, in the said first section, the words "not exceeding," and inserting, in lieu thereof the words "which, including the expense, shall not exceed;" and the question being put thereupon, it was resolved in the affirmative.

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Reduction of the Army.

[H. OF R.]

Ordered, That the further consideration of the said bill be postponed until to-morrow.

THURSDAY, December 27.

A bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named, was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

Resolved, That the President of the United States be requested to cause this House to be furnished with a particular account of the several sums borrowed under his authority by the United States; the terms on which each loan has been obtained; the applications to which any of the moneys have been made, agreeably to appropriations; and the balances, if any, which remain unapplied. In this statement it is requested that it may be specified at what times interest commenced on the several sums obtained, and at what times it was stopped by the several payments made.

Ordered, That the said resolution be transmitted to the PRESIDENT OF THE UNITED STATES by the SPEAKER.

A petition of William Ellery, Collector of the District of Newport, in the State of Rhode Island and Providence Plantations, was presented to the House and read, praying that the compensation allowed him by law may be increased, and rendered more adequate to his services.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

On a motion made and seconded that the House do now proceed to the further consideration of the bill providing for the reimbursement of a Loan made of the Bank of the United States, it passed in the negative.

Mr. WHITE, from the committee to whom was committed the bill to regulate trade and intercourse with the Indian tribes, reported an amendatory bill; which was read twice and committed to a Committee of the Whole House.

The House accordingly resolved itself into the said Committee; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were read, and partly considered.

Ordered, That the further consideration of the said amendments be put off until to-morrow.

The House again resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend, in part, the act entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying a statement of the present organization of the troops; also, Returns of the commissioned officers, non-commissioned officers, and privates, in the service of the United States; which were read, and ordered to lie on the table.

FRIDAY, December 28.

A memorial of the officers and soldiers of the late New Hampshire line of the Continental Army was presented to the House and read, praying that the depreciation which accrued on the certificates of Debt granted them in reward for their military services during the late war may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit; which was laid on the table.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend, in part, the act entitled "An act for the government and regulation of seamen in the merchants' service;" and the said amendments being severally twice read, were, on the question put thereupon, agreed to by the House. And then, the said bill, being further amended, was, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

REDUCTION OF THE ARMY.

Mr. STEELE called up his resolution laid on the table some days ago, as follows:

"*Resolved*, That a committee be appointed to prepare and bring in a bill to reduce the military establishment of the United States to ——— regiments or corps, consisting each of ——— non-commissioned officers, privates and musicians, with such proportion of commissioned officers as the PRESIDENT may think proper to continue in service; and to repeal so much of an act, passed the fifth of March, one thousand seven hundred and ninety-two, entitled 'An act for making farther and more effectual provision for the protection of the frontiers of the United States,' as may contravene this intention."

Mr. STEELE, in proposing the above resolution, said, the situation of the frontiers, and the inefficiency of the measures adopted, through the medium of the War Department, to relieve them; the extreme burdens which those measures were heaping on the people, and the probability of their continuance, afforded ample scope for inquiry, and to sit silent on such an occasion, he thought, would be to partake of and support the errors from which those misfortunes may have arisen. The citizens of the United States, he said, were of a peaceable and patient disposition, and they have with cheerfulness acquiesced in the measures of the National Legislature; but they were not become so tame as to submit to immense and fruitless expenses, and the disgrace of their military character to answer any

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vain projects of folly and ambition, without a prospect of guaranteeing a peace. Is it not evident, said he, that plans have been persevered in without regard to common sense, by an unnecessary increase of our Army, until the indignation of the whole Continent has been roused up against it?

To elucidate this position, Mr. S. recited the expenses, charges, and increase of the War Department from its first establishment under the present Government, to its present enormous demands, which, for the year 1793, are no less, agreeably to the estimate furnished by the Secretary of the Treasury, than \$1,171,719. More than double the sum necessary for the support of all the other branches of the National Government. The better to illustrate this subject of the Indian war, he entered into comparative statements of the years 1790, '91, '92, and '93. And, animadverting on the different items of calculation, he asserted, in strong terms, that they exceeded every thing that the history of the Indian wars afforded for twenty years back; he wished any gentleman to enter into an investigation and comparison of the alarming increase of the expenses of the Department, and to take a retrospect of the subject for twenty years back; and he was certain neither the Secretary of War nor any other person could account rationally for the occasion of such an establishment. There was no precedent to be found in any of the States, not one of them have a War Department; neither was it contemplated in the Constitution of the United States. Yet it has, in the short space of three or four years, been imposing on the country burdens which the people have at length expressed their abhorrence of; it has been increased \$137,000 in 1789, to the extravagant demand now required, of \$1,171,719 and \$50,000 contingencies for the support of 1793. This is so alarming an increase, that it calls loudly for reformation, or the entire abolition of the Department, and that another system shall be adopted for the protection of the frontiers. Armies of regulars will never afford protection; they have never answered any good purpose against the Indians from the time of Braddock's defeat down to that of Major General St. Clair, although this last mentioned unfortunate expedition cost the United States an immense sum of money, and the lives of a great number of valuable officers and citizens. History and the experience of ages have proved this fact, that unwieldy armies will never be able to fight the savages in the wilderness; indeed, the Secretary of War confesses the fact in one of his reports, which Mr. S. read, wherein the Secretary accounts for the ill success of the plans, by observing, "that it was owing to the extreme activity of the enemy and our ignorance of the wilderness through which our troops had to march." But the Secretary might have also added, our entire ignorance of the mode of carrying on the war.

Here Mr. S. took occasion to observe, that this alarmingly expensive and useless Department had crept upon the country entirely from our fondness for taking up money on loans; for had it not

been that the money was thus obtained with a sort of facility that was not directly felt by the people, they never would have consented to be directly taxed to support the parade of so unnecessary an establishment. This is my reason for being an enemy to loans; they deceive the citizens, and lull them for a time, in order to levy double contributions afterwards.

But it may be demanded, how are the frontiers to be protected, if the Army was disbanded? In reply to this, Mr. S. said he wished that the former two regiments might be retained to garrison the forts, and that a militia near the scene of action should be raised, who would be able to make five expeditions against the savages in a year, if necessary, instead of one solitary fruitless attempt, which, upon an average, is as much as a regular army can do; and sometimes not so much, for it does not appear that any expedition took place during the last twelve months: moreover, it is not so easy for the Indians to discover the plans and approaches of militia, as they do the slow motions of an unwieldy army, dragging their heavy artillery through the woods. The fact is, that the Indians have the best intelligence, and know every motion of the Army, and they can even calculate the time and place to meet them, and the numbers of their tribes that will be necessary to receive such a force; they will always be prepared when a regular army are to march against them. But if the business be left to a militia of the frontier inhabitants, who know the country, and have their property at stake, it would not cost the Government one-fourth part of the expense to give a complete protection, and to repel all the depredations of the savages, if that be our intention. If it be the protection and happiness of our brethren on the frontiers—if we are serious to check the progress of expense, the motion which I have brought forward will be the most effectual means, and to establish a proper Militia System. On this motion, therefore, will depend the question, whether we are to continue a fruitless warfare in the present mode for seven or ten years, or shall we adopt a better system, which will not cost one-fourth of the expense, and which would completely check the Indians; nay, it would entirely exterminate them, if that was thought to be necessary.

In order to bring the matter to a point, Mr. S. suggested, that it would be proper to disband all the troops except the two former regiments of two thousand one hundred and twenty-eight men, which would be more than sufficient to garrison all the fourteen posts on the frontier. These, with a militia, under proper regulations, and the officers appointed by the President, would be found a more certain protection. The garrisons are at Fayette, Hamilton, Steuben, Knox, Tammany, Telfair, Harmar, Franklin, Jefferson, St. Clair, Marietta, Massachusetts, Matthews, and Knoxville. Most of these are commanded by Captains, except two that are commanded by Majors: now, reducing the establishment to two thousand one hundred and eighteen non-commissioned and privates, and average them amongst the garrisons, it will give one hun-

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dred and fifty-two men for each; the sum saved by this reduction would be six hundred and twenty-four thousand six hundred and seven dollars—the difference between the appropriations for 1792 and those required for 1793.

With regard to the expense that would be incurred from militia expeditions, none of them would cost above thirty thousand dollars; and four or five of those, if made in a year, would have ten times the success and effect that could be expected from the present system. Had the Militia plan been adopted, we should not at this day hear such murmurs from our constituents, nor would the people be saddled with heavy taxes and imposts; but, on the contrary, the money that has been actually wasted would have sunk a considerable part of our National Debt. But by the system of warfare lately adopted of dragging heavy cannon and camps into a wilderness, of which we have confessed our ignorance, if it be allowed any longer, our Treasury will be exhausted, and the public revenues which the Secretary of the Treasury reported as affording a prospect of income beyond the permanent wants of Government, will not all together, be sufficient for our War Establishment; we must fly to loans, and pursue a system of ruin and distress to the country. Under these impressions, said Mr. S., I have introduced the proposition now before the House; and I entreat gentlemen to think seriously of it, for thereon, in a high degree, will depend the real protection of our frontier, the safety of our garrisons, and the ultimate ease, happiness, and tranquility of the Continent.

Mr. HARTLEY, although he did not wish to advocate the continuance of a Standing Army, yet he was averse to disbanding the troops at present, while it is known that a negotiation for a peace is going forward, and may not perhaps be brought to a decision before the Spring. It is a well known maxim in politics, that a peace can always be easiest obtained by a nation which is prepared for war. He noticed the great prudence and economy of the PRESIDENT in forming the Army into a legion; and he differed in opinion with Mr. STEELE respecting the insufficiency of regular troops. No instance could be quoted where regulars had engaged the Indians without beating them.

Mr. PARKER said he had always abhorred the idea of keeping up Standing Armies in this country; and he believed he could, from experience, demonstrate that it was an unwise measure at the commencement of the present Government; for it answered no better purpose than throwing out a hint to the British and Spanish Governments, on our Northern and Southern frontiers, to increase their forces, and even to administer countenance and support to the Indians, which they never would have thought of doing, but for our vain attempt at military parade. He mentioned a letter which had been written by Lord Dorchester to the Indians, informing them "that Prince Edward had arrived with a number of chosen warriors to protect them," meaning against the United States.

Thus, said Mr. P., we have been warring with

our finances for the last three years, by keeping up an Army in imitation of European plans, which are formed in countries altogether unanalogous to America in every possible view. The consequences have been unsuccessful, and produced military disgraces, by sending into the field a collection of beings, collected from stews and brothels and from the most unprincipled of their species, to fight against Indians well supported on both sides, and fighting, as they do, for their property, their hunting ground, their wives, and children, instead of calling forth the militia, the natural strength of the country. But the present plan has involved us in such difficulties that we are not now able to provide for the payment of our debts, without the medium of loans; nay, we are now called on for a small sum of two hundred thousand dollars at the Bank, which would have been easily paid out of the surplus in the Treasury, were it not that our finances have been exhausted by those ill-judged expeditions under General Harmer and General St. Clair. He mentioned the naked, starved appearance of the men who were sent out—with shoes that would not last three days, clothes that did not half cover their miserable bodies from the inclemency of the weather, and food sometimes not fit for dogs. He could mention the particulars, if required, of some other very abominable abuses, but refrained from it at present. He concluded by expressing the same opinion of militia that Mr. S. had done; and, with regard to the starved soldiery who had appeared in the woods, they were despised so much by the Indians, that they called them Coat-men, and shot them down like wild turkeys.

Mr. FITZSIMONS was apprehensive that it would be a dangerous experiment, so suddenly to alter the system of defence already adopted. He remarked, that when Mr. STEELE had stated the War Department to have cost the United States three millions five hundred and forty thousand dollars, he had committed a great mistake, for there was one million one hundred and seventy-one thousand dollars of that sum not yet granted. [Mr. STEELE explained, that he had gone by the estimates for the appropriations proposed, &c.] Mr. FITZSIMONS did not wish to advocate a Standing Army; and if any better mode of defence for the frontiers could be digested, he would be amongst the foremost who would agree to it.

Mr. WHITE could not entirely approve of the motion for striking out, unless a proper substitute for defence was fairly brought forward.

Mr. WILLIAMSON said, it was not disbanding an army of men, but the disbanding an army of paper, that he conceived to be the object of the motion, and it should have his support. He mentioned an affair between ninety militia and two hundred and forty Indians, wherein the militia received them much better than any of the regulars could boast of having done!

Mr. SMITH, of South Carolina, reverted to a clause in the law which empowers the PRESIDENT either to raise those three additional regiments, or to forbear to raise them, or discharge them, &c., provided he thought it consistent with the safety

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of the country. From this, Mr. S. said it was evident there was a sort of indelicacy in the motion, as it implies a doubt that the PRESIDENT might fail in this instance, or vary from his usual line of prudence.

Mr. DAYTON said, he would vote for referring the motion to a Committee of the Whole, although he disapproved of it. He should not have risen, had he not heard from the two North Carolina members the strangest perversion of argument and the most extraordinary reasoning. The gentleman who has brought forward the motion, said Mr. D., has decried every idea of energy and efficacy in regular, disciplined troops, considering them not only inefficient, but contemptible, when employed against Indians; and, to confirm this assertion, he has instanced the expedition under General St. Clair, when it is well known that there were not, in fact, two companies of regular disciplined infantry among them. The other gentleman [Mr. WILLIAMSON] has extravagantly commended the back-country militia, and extolled them for their efficiency and success in Indian warfare; and instances the affair of a rencontre between Major Adair, with ninety militia, against two hundred and forty Indians. In reply to this, Mr. D. felt himself compelled to remark, that that affair did not appear so successful in his mind; for those very militia were unquestionably surprised and beaten, inasmuch as they were driven into a corner, until the Indians captured all their horses and other property in their camp; and what is still more disgraceful, one half of the Major's party deserted him at the commencement of the action, and secured themselves within their garrison.

Whilst he was up, Mr. D. would further observe on the extraordinary speech of the mover of the question, that it was such as no person could have ever expected to hear within the walls of that House. It seemed to be calculated to prejudice the minds of the people against the whole Administration; and it appeared still the more extraordinary that such a speech should come from a gentleman who so lately expressed the nicest delicacy in matters of order and decency; for, in this instance, he has committed the greatest breach of decorum and propriety, by a direct censure of the Secretary of War, the PRESIDENT, and both Houses of the Legislature. [Here several members called Mr. DAYTON to order.] He proceeded, however, and appealed to the House, whether he had not drawn a just picture of the expressions of the gentleman from North Carolina. The very calculations which he has so laboriously produced have been questioned by other members. In regard to the surprise expressed by the gentleman at the increase of the War Department from 1791 to '92 and '93, it was not so strange that five thousand men would require greater supplies than two thousand. Yet the gentleman is surprised at the increase of expense, and seems to imply that abuses have been committed; but if an increase of expense for protecting the frontiers has accrued, the censure ought to fall on the Legislature for directing it by their laws, and not upon the

Executive, who are merely the instruments for carrying them into effect.

Upon the whole, Mr. D., however he might himself be in favor of a reduction of the Army, if it stood simply on its own merits, yet, as it now struck him, it being connected with some recent circumstances, he would therefore oppose it as tending only to embarrass the Executive in their attempts towards a pacification. Moreover, he said he knew the temper of Indians so well, by having lived amongst them, that there was not a nation on earth more extravagant in their demands, when they saw the force against them was lessening. So that what is intended by the motion for reduction at present, as economical, may turn out to be, in the end, the most expensive of any.

Mr. WADSWORTH was also against the motion; and Mr. AMES closed the debate by a few observations on the necessity of committing to a Committee of the Whole, as there would be no other way of answering the industrious calculations of the mover.

The question on committal was carried, and made the order of the day for next Wednesday.

MONDAY, December 31.

A petition of Isaiah Thomas, of Worcester, in the State of Massachusetts, praying that printing types, of foreign manufacture, imported into the United States, may be exempted from the duty imposed on them by law; and that certain bonds, to a considerable amount, given by him to the Collector of the District of Boston, for the payment of the duties on printing types already imported, may be cancelled.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of the officers of the late Massachusetts line of the Continental Army, in behalf of themselves and the soldiers of the said line, was presented to the House and read, praying that the depreciation which accrued on the certificates of Debt granted them for military services during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie on the table.

Mr. WILLIAMSON, from the committee appointed, presented a bill to amend an act entitled "An act establishing a Mint, and regulating the coins of the United States," so far as respects the coinage of copper; which was received, read twice, and committed.

The House proceeded to consider the report of the committee to whom was referred the petition of a number of the inhabitants of St. Vincennes, on the Wabash, together with a letter from the Governor of the Territory of the United States Northwest of the river Ohio, accompanying the same. Whereupon,

Resolved, That the survey directed by the resolve of the late Congress of the 29th of August,

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Fees in Admiralty Cases—Coinage Bill.

[H. OF R.]

1788, of the lands ceded by the State of Virginia to the United States in the Territory Northwest of the river Ohio, and confirmed to the French and Canadian inhabitants and other settlers of the Kaskaskias, St. Vincennes, and the neighboring villages, who, on or before the year 1783 had settled there, and had professed themselves citizens of Virginia, be made at the expense of the United States.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. LIVERMORE, Mr. MUHLENBERG, and Mr. LEONARD, do prepare and bring in the same.

Mr. GOODHUE, from the committee appointed, presented a bill relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted; which was read twice and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to explain the act entitled "An act to establish the Judicial Courts of the United States," in respect to the taking bail in criminal cases; and that Mr. WHITE, Mr. WILLIAM SMITH, and Mr. ISRAEL SMITH, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government for the year 1793; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made some progress therein.

Resolved, That the Secretary of State, the Secretary of the Treasury, and the Secretary of War, be directed to lay before this House lists of the several persons employed in the offices of their respective Departments, with the salaries allowed to each.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom were referred the petitions of a number of persons, praying to be placed on the list of pensioners of the United States; and, after some time spent therein, the Committee reported progress, and obtained leave to sit again.

FEEs IN ADMIRALTY CASES.

The bill to ascertain the fees demandable in cases of Admiralty proceedings in the Courts of the United States, being read the third time, and the question being on its passage—

Mr. WILLIAMSON said, the bill appeared to him to be essentially defective; one leg was cut away, and it limped badly on the other. He therefore wished it not to pass. The Judiciary System required amendment. His constituents were exposed to innumerable difficulties. Respecting seizures, they had nearly ceased, owing to the perplexities thrown in the way by the regulations of courts.

Mr. W. SMITH acknowledged the bill was not so good a one as he could have wished; but he could not conceive how any thing could limp on one leg. And its mutilated state may be attributable to the gentleman who now opposes its passage. Mr. S. did not think a sufficient reason had been given against its passage. It originated on

the petition of upwards of sixty respectable merchants of the city of Charleston, who complain of the enormous fees to which they are subjected; and as the bill will afford them relief, without doing injury to any one, he hoped it would pass.

The bill passed accordingly.

TUESDAY, JANUARY 1, 1793.

Mr. WHITE, from the committee appointed, presented a bill to explain an act entitled "An act to establish the Judicial Courts of the United States," in respect to taking bail in criminal cases; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. WHITE reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House proceeded to consider the report of the committee on the memorial of John Tucker, late Clerk of the Supreme Court of the United States, which was made on the 8th of March last. Whereupon,

Resolved, That a committee be appointed to prepare and bring in a bill providing for the allowance and payment of _____ dollars to the said John Tucker, to compensate him for his expenses and services, and for money paid by him as Clerk of the Supreme Court of the United States.

Ordered, That Mr. SEDGWICK, Mr. MURRAY, and Mr. BALDWIN, be a committee, pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House on the bill to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

COINAGE BILL.

The House went into Committee of the Whole on the Copper Coinage bill, (Mr. WHITE in the chair.) The object of this bill is to alter the weight of the copper coin as stated in the former act. After some discussion, the blanks specifying the weight of the cent and half cent were filled—the first with 8 pennyweights 16 grains, the other with 4 pennyweights 8 grains.

Mr. BOUNDNOT, after remarking that the artists who had exhibited specimens of the figure of Liberty on the several samples of coin which he had seen all differed in their conceptions on this occasion; for the sake, therefore, of uniformity, he

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Report on Petitions for Pensions.

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moved to add a clause to the present bill, providing that, in lieu of the figure of Liberty, the head of Columbus should be substituted. Mr. B. supported his motion by some pertinent remarks on the character of Columbus, and the obligations the citizens of the United States were under to honor his memory.

Mr. CLARK was in favor of the alteration.

Mr. WILLIAMSON and Mr. LIVERMORE objected to it.

On the question being put, the motion was negatived.

The Committee then rose and reported the bill; which the House ordered to be engrossed for a third reading.

REPORT ON PETITIONS FOR PENSIONS.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom were referred the petitions of a number of persons praying to be placed on the list of pensioners of the United States; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And then the said report being further amended, to read as follows:

Resolved, That, in order to prevent the admission of improper claims, and to facilitate the allowance of such as are well founded, it is expedient to repeal the second, third, and fourth sections of the act entitled 'An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions,' and to provide that, in future, the claims for invalid pensions shall be regulated in the manner following, to wit:

"1st. That all evidence relative to invalids shall be taken upon oath before the Judge of the District in which such invalids reside, or before any three persons specially authorized by commission from the said Judge.

"2d. That the evidence relative to any claimant must prove decisive disability to have been the direct effect of known wounds, received while in the actual line of his duty, in the service of the United States, during the late war; that this evidence must be the affidavits of the commanding officer, or surgeon of the ship, regiment, corps, or company, in which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound.

"3d. That every claimant shall be examined by two physicians, upon oath, to be authorized by commission from the said Judge, who shall report in writing their opinion of the nature of the said disability, and in what degree it prevents the claimant from obtaining his livelihood by labor.

"4th. That every claimant shall produce evidence of the time of his leaving the service of the United States, and of his being honorably discharged therefrom. He must also produce evidence of three reputable freeholders of the city, town, or county, in which he resided for the two years immediately after he left the service, as aforesaid, of the existence of his disabili-

ty during that period, and ascertaining, of their own knowledge, the mode of life, employment, labor, or means of support, of the claimant.

"5th. That the said claimant must produce the evidence of two credible witnesses of the continuance of his disability from the expiration of the said two years to the time of his application.

"6th. That each claimant should show a good and sufficient cause why he did not apply to the State in which he resided, on or before the 11th of December, 1788, the time limited for applications of this nature.

"7th. That the evidence of no claimant should be admitted whose case had been rejected by any State prior to the aforesaid 11th of December, 1788.

"8th. That the reasonable allowance to such commissioners and physicians aforesaid for examining the claims of invalids shall be made by the ———, and paid out of such contingent funds as the President of the United States may direct.

Resolved, That the said Judge of the District shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the Department of War, who shall examine the muster rolls and other evidences of the late war, in order to prove the services of the said claimants; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks as may be necessary, in order to enable them to take such order thereon as they may judge proper."

It was, on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. WILLIAM SMITH, Mr. BENJAMIN BOURNE, and Mr. LEE, do prepare and bring in the same.

WEDNESDAY, January 2.

Ordered, That the memorials of the late officers and soldiers of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, and Maryland, which lay on the table, be referred to the consideration of a Committee of the Whole House on next Monday week.

An engrossed bill to amend an act entitled "An act establishing a Mint, and regulating the coins of the United States," so far as respects the coinage of copper, was read the third time, and passed.

An engrossed bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 26th of September, 1785, as an indemnity to the persons therein named, was read the third time, and passed.

Mr. AMES, from the committee to whom was referred the Report of the Secretary of the Treasury on the petition of Joseph Henderson, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the petition of Ebenezer Cowell, which was made on the 3d of February last. Whereupon,

Resolved, That the prayer of the said petition cannot be granted.

Mr. SPENCER, from the committee appointed, presented a bill to compensate John Tucker; which was received, read twice, and committed.

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Military Establishment.

[H. OF R.]

MILITARY ESTABLISHMENT.

The House resolved itself into a Committee of the Whole House on the motion of the 28th ultimo for reducing the Military Establishment of the United States.

Mr. WADSWORTH rose and observed, that he had pledged himself to the House last Friday to show that the calculations of the gentleman from North Carolina were not true; and, if true, that the inferences drawn from them were not correct. There was a material difference (he said) between the appropriations quoted by the gentleman and those which he would now read to the House. Here he read a statement which he had prepared, from which it would appear that Mr. STEELE had overrated the contingencies, hospitals, quartermasters, forage, cavalry, ordnance, pay, and subsistence, each of them.

The total difference between Mr. STEELE's and Mr. WADSWORTH's calculations, from this representation, was \$27,080 dollars in the year 1790.

In like manner, Mr. W. read his calculations for 1791. On comparing which with those of Mr. STEELE, he said there was a difference in the total of \$252,312; and in the total of 1792, he showed a difference of \$567,530. He also particularly objected to Mr. STEELE's statements of the ordnance expense for 1793, which had been called \$23,000; but that sum, although it comes under the head of ordnance in the estimate, is not altogether appropriated for the purchase of cannon; the whole amount of the expense of cannon, he said, had been very trifling—about \$700 or \$800. Having proceeded thus far in attempting to controvert the calculations of the gentleman from North Carolina, Mr. W. said, it would indeed have been an alarming thing to the United States, had they been founded in reality. But the gentleman had not confined himself to misstatements—he had gone further; for he had “lamented the necessity of quoting even truths from that office”—the War Office. Here Mr. W. stated that the quotation which Mr. STEELE had made from a report of the Secretary of War had not been correctly quoted. After Mr. W. had thus represented Mr. STEELE's calculations as erroneous, and his quotations as misstated, he said that the House ought to beware of not being led astray by them. He next observed, that the gentleman had laid a great deal of blame of the present hostilities between the United States and the Indians, and the expense attending them, to the War Department. But Mr. W. conceived that there were other causes to be assigned for the Indian war, There had never been a day, from the first settlement of America to the present moment, without our being at war with the Indians, in one place or another. The history of the country, the resolves of the old Congress, every book published by Congress, show this to have been the case. [Here he read some quotations from the resolves of 1784, to show the appropriations for defraying the expenses of Indian wars.] He wished the House to take a retrospect of the subject, from the beginning of those troubles down to the late application for assistance from the National Government by the

Governor of Georgia. Although they have three thousand men on the frontier of that State, yet it is not found sufficient, and the Indians have driven them in. Indeed, there has been a time when the town of Savannah has been obliged to keep a guard.

It was not his intention to introduce commendations of the officer at the head of the War Department, but he thought it proper to observe, that he is not to be blamed on account of the expenses referred to. He is no more than an instrument acting under the Supreme Executive. It is the PRESIDENT OF THE UNITED STATES who has found it necessary and proper to recommend the establishment of a military force. It is, therefore, not the Secretary's, it is the PRESIDENT's war; and to assert that the Secretary has had any undue influence with the Legislature, would be altogether false; for, on the contrary, his reports have been treated with disrespect in this House. Was not his report at New York ridiculed, and called “preaching,” &c., because it was in favor of peace, and spoke with great humanity respecting the hardships often inflicted by the whites on the Indians? Indeed, the Secretary of War has been uniform in his endeavors to bring about a durable peace. This, however desirable an object, has been found hitherto impracticable, and the Indians have lately carried their depredations to so great a length that the PRESIDENT has judged it necessary to repel them by force. They have murdered in cold blood our ambassadors of peace, whilst holding a flag of truce in one hand and reaching the other out in friendship to the Indians. Perhaps they may have been excited to this degree of barbarity by many causes. It is hard to determine which are the greatest aggressors—the settlers on the frontiers or the Indians. The murder of the Moravian Indians, the proclamation of Congress against our own people, all show that the Indians have ground for complaint.

Here Mr. W. recapitulated the affairs of the banditti at Fort St. Vincennes; the representations of Judge Innis, of Kentucky, from 1783 to 1790, respecting the people there who could not be restrained from the commission of crimes against the peace of the country. From these causes and the common fatality of the times, our attempts towards peace have proved abortive, and the war has been prolonged, but the Secretary is entirely innocent of promoting it.

In regard to the other arguments of the gentleman [Mr. STEELE] respecting the militia, that they would afford either a cheaper or better defence for the frontiers, he had his doubts.

Mr. W. now went over the whole history of the frontier wars; a line of posts was once established and garrisoned by militia, yet they could not prevent the Indians from coming within sixty miles of Winchester, and murdering, scalping, and plundering the women and children. After the peace of 1762, the Indians drove in the militia, and advanced as far as Cumberland and Carlisle, in the State of Pennsylvania.

But Colonel Boquet, with the remains of two regiments of regular troops, who had just before

arrived from the West Indies, marched against the savages, and hired pack-horses to carry some of his sick men. With these regulars, Colonel Boquet fought them and drove them with the bayonet from one end of the country to the other. The battle began at one o'clock the first day and lasted until night, and was renewed the next morning with superior force by the Indians; yet they were entirely discomfited. This news went to Fort Pitt and Virginia, and revived the spirits of the country. Virginia raised more troops—and Colonel Boquet dictated a peace to the savages.

These instances furnished sufficient arguments to show the superiority of regular troops over militia. But he could mention many others, viz: General Hartman, with eight hundred chosen men, giving a total defeat to the Indians; Colonel Willet's attack and defeat of them; and General Sullivan's affair in South Carolina.

As to the defeat of Harmar and St. Clair, their men ought not to be reckoned regular troops. They were raw recruits, undisciplined, &c. But even they stood better than the militia; for the militia ran away, and those who remained to fight the savages fell, to their honor be it spoken, whilst the militia, who were the advanced guard, ran and threw away their guns, nay, their coats.

Upon the whole, the balance of argument, Mr. W. thought, must appear in favor of regular troops.

He further took occasion to animadvert on what Mr. WILLIAMSON had said, when that gentleman expressed himself so strongly in favor of the militia under Major Adair. That officer, Mr. W. observed, had been a Continental officer, and from his own words, it appeared that he had no very great opinion of the militia, for they had fled to the garrison; and the Indians obtained their ends, notwithstanding the *reception* given by Major Adair. Theirs was the triumph, and when they retired, it seems to have been not so much a matter of necessity, as a thing of choice, on their part. The loss of horses, one hundred, perhaps, and the expense of this affair, amounted to a much greater sum than any regular troops would have cost. The party under Major Adair, supposing it to consist of a hundred men, cost one hundred dollars a day, reckoning the attendant circumstances—and considering it, as Mr. W. did, a complete defeat—for there are no circumstances to prove that it was otherwise—the militia having deserted him and left the few regulars he had exposed to the whole of the danger.

Mr. W. did not stop here in his details of militia disgraces—he recounted many other cases. He mentioned the Grant's expedition against the Cherokees, &c. And still he drew a balance against the successes of the militia; for, he said, they had constantly been defeated, and the country left exposed to the depredations of the enemy.

Much has been said, observed Mr. W., of Clark and Sevier's successes. They, indeed, afford an exception to the cases above mentioned; but how far were they successful? The immense expense of men and money, and the interruption given to the agriculture of the country by calling away from

their business so many industrious citizens, is a thing beyond the power of calculation; for my part, said he, I do not know figures enough to count it up. For the truth of this position, and for the enormous waste and expense incurred by militia, he appealed to one of the members [Col. PARKER] on the other side of the House, who had experience in the matter, whether it was not absolutely impossible either to bring militia under proper discipline, or prevent their enormous waste. A whole brigade of regular troops would not cost so much as one regiment of militia, to a country. The militia of Kentucky have cost more blood and wealth than all the American war; when the circumstances are considered of calling out men from the tillage of the field, &c. It is enormous the number of lives, and the aggregate loss is countless. The causes of these things are, want of order and discipline, &c. And those causes have produced an *universal reprobation of the war establishment*; but all those who condemn, are not well acquainted with those causes; they judge from hearing only one-half of the truth in our newspapers. It is supposed a peace can be easily effected, but I know of no peace that has not been effected by force; for, although promises have been made and peace often treated for with the Indians, yet they have as constantly broken those promises. This is a good reason for keeping up the present force of the United States. We are now able to meet the Indians and demand a safe peace. But the gentleman from North Carolina calls our establishment a mere military parade, which it is said by another gentleman [Mr. PARKER] will only tend to rouse the Spaniards and the British, &c.

He went on quoting the conduct of the Indians and their threatening manner, when they told you, "go to your own side of the Ohio," &c. What language do they now hold out? But I am not at liberty, said Mr. W., to mention it, as it was confidentially communicated to this House, and read with our doors shut. However, it is well known to all the members present, the insolence of that language. For my part, I have little hopes of a peace from any promises of the Indians; and although a negotiation is said to be upon the carpet, I can never depend upon the promises of savages who have so often broken them.

In speaking of the recruits that have been lately raised for the regular army, Mr. W. opposed his opinion to that of Mr. PARKER, who mentioned them in such contemptible terms as having been collected from the stews and brothels of the cities, &c. For his part, Mr. W. had often seen them, and he believed they were equal, if not superior in spirit and appearance, to most of the soldiery during the British war, and better than the soldiery were at the close of the war, with some exceptions, such as respects the men who cost £300 each. Before he could quit the subject, he begged leave to mention another instance of the efficacy of regular troops; it was the affair of General Wayne's surprise, when the light-horse dismounted, and cut the militia to pieces, and the infantry drove them off at the point of the bayonet.

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He ridiculed the idea of calling out a militia upon every emergency. Where are they to be formed? In Pennsylvania it would be attended with a tenfold loss, if they must quit their daily labor. He would admit that the character of the Kentucky militia had been brave and intrepid; but there was still occasion for a new war, and no ultimate protection afforded to the frontier.

The Governor of North Carolina had complained of a friendly Indian being murdered, &c. On the whole, he thought it improper to take militia to fight Indian warriors. He admitted that some abuses might have been practised in the regular army, but they were as little, if not less, than in any other army he could remember.

He insisted that the scheme of the Department of War was not a scheme of the Secretary, but a scheme of the United States from the PRESIDENT down to the members of the Legislature, and the meanest of their constituents. He took a retrospect of the great skill of the PRESIDENT after Braddock's defeat. The PRESIDENT must be the best judge of the disposition of Indians, and the best way of treating with them; he approves the scheme of the present war, and shall we imprudently attempt to change his plan, by sending out a few men to be knocked on the head by the Indians, as those *coat* men were? so called by the gentlemen from Virginia, [Mr. PARKER,] but instead of coat-men, he Mr. W. thought they might also have been called petty-coat men, &c. He finished his observations by again remarking, that the calculations of the gentleman [Mr. STEELE] who had introduced the motion for reducing the present war establishments were founded in error, and ought not to have any weight with the House.

Mr. STEELE.—When the House have deliberated upon the merits of the gentleman's arguments and the truth of my statements; and when they have decided the question, I will submit to their decision; but, in the mean time, I insist that my calculations are founded on the reports of the Secretary and the public printed documents on the table, of the appropriations and laws, &c. I wish the gentleman [Mr. WADSWORTH,] had told us where he has found those papers, from which he attempts to controvert such authentic documents as I have quoted. I wish he had made the House understand them; for my part, they appear unintelligible.

Mr. WADSWORTH said it was from the laws.

Mr. STEELE explained some things in his former statements; and in reply to some suggestions that might be thrown out with respect to his indelicate mode of attacking the Secretary of War, or the PRESIDENT, he defied any member to show that he had acted beyond the line of his duty; or that he had ever shown any disrespect toward the PRESIDENT. On the contrary, he was of opinion that that gentleman's character would for ever be secured against all the possible attacks of ingratitude or malice, &c. He also used some other very handsome expressions on this occasion. But whilst he was ready to declare these things, and to prove that he had no personal intentions of injuring the Secretary of War; yet, he would not suffer him-

self to be deprived of his privilege, whilst he had the honor of a seat in that House; and, in the present instance, he thought it his duty to hold up his opposition against the rapid increase of expenses in all the Departments of Government, which he said were grown to an enormous burden upon the people, and unwarranted by the Constitution; that they, therefore, ought to be immediately checked. He hoped, for the future, gentlemen would confine their arguments to measures, and not apply them to persons. He sat down, for the present, with this proviso: that he would reserve to himself the right of answering to what might be advanced against his proposition, which he could prove to be salutary; and that the present system is fundamentally wrong.

Mr. HARTLEY was against adopting the motion under the present circumstances of the country, and he entered into a particular investigation of the merits of the question. When the last law for the more effectual protection of the frontiers passed, the subject now under consideration was very fully and ably discussed, and the gentlemen who were averse to the augmentation had several alterations made to satisfy them.

Instead of the PRESIDENT's being obliged to raise the whole of the three regiments, he was to exercise his discretion either to make the augmentation complete, or raise a part, and he had authority to disband them after being raised. The 12th section of that law is thus expressed: "It shall be lawful for the PRESIDENT OF THE UNITED STATES to forbear to raise, or to disband after they shall be raised, the whole or any part of the said three additional regiments, in case events shall in his judgment render his so doing consistent with the public safety."

We should therefore consider whether circumstances have so materially changed since that time as to render it proper that the Legislature should interfere, repeal the powers given to the PRESIDENT, and discharge the three regiments. This necessarily leads us first to view the situation of our finances, and the state of the frontiers at and immediately before the time of passing the law. The extent of our revenue was not as well known then as at present, and every good man deprecated the misfortune which obliged him to increase the taxes. The war was a disagreeable one, but necessary, if peace could not otherwise be obtained. The Legislature considered the expense, and were of opinion that we had means and abilities to defray the same. Many murders and ravages had been committed by the savages on the frontiers. One army had suffered in the year 1790, and nearly a whole army cut off on the 4th of November, 1791. And we had every reason to suppose that the Indians would act in great force against us. Our finances are still respectable. It is true, I should be happy if we could apply the money toward discharging the national debt already contracted, but the unfortunate situation of our frontiers prevent it. War, though an evil, may (from the present disposition of the world) be sometimes necessary, when nations are unreasonable and justice cannot be otherwise obtained.

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Hostilities have lately been committed on our troops commanded by Major Adair, and several of the Southern tribes show themselves inimical, and we have no absolute assurances that we shall have peace in the Spring. The agreement by some tribes to a suspension of hostilities, was only convenient to them as it protected their families for the Winter.

The great object of the additional armament was to obtain peace: this is not yet effected. May we promise ourselves more success in negotiation by laying down our arms, or by retaining them? History is in favor of the latter. Indeed I hold it as a maxim, that the nation which is prepared for war can most easily obtain peace. For my own part, I can discover no existing causes for altering the system established by the act to which I have before referred. The expense has been made a very serious objection. It ought to have weight; but where measures have been proper, America has not regarded it. She has freely expended her treasure to support her rights. We are bound in justice and honor to protect our fellow-citizens on the frontiers; we demand from them an excise. They require from the General Government protection. I am for making peace with all the Indians upon reasonable terms; but any country which has been fairly purchased from the Indians, they should not be permitted to repossess or hold by conquest. If an offensive war be necessary, says the gentleman from North Carolina, regular troops are not the most proper to carry it on. They are more expensive, and unfit to meet the savages of the wilderness. As to the expense, I have partly answered before. But if the gentleman is to have five expeditions in one year, I believe he would find that his calculations are not correct: a misfortune to either detachments or party would bear very hard upon the district they came from; the partial loss of regulars would not be equally felt, very few of them having families.

I have a high opinion of the backwoods riflemen, but I am confident that we cannot certainly rely upon their turning out as often as they might be wanted; we could not rely on such uncertainty; and yet this is offered as a favorite project. If you cannot rely upon them, you may say that the ordinary militia can be drafted. You would find them unfit for such a service; they would in general be composed of substitutes, inexperienced and undisciplined, and it would be unfair to take them all from the frontiers, and some of the States, or at least one, have no militia laws. I am for retaining the regular troops.

The PRESIDENT has practised economy in organizing the troops voted for, and I am told they have made considerable progress in discipline; they are formed into legionary corps, composed of horse, riflemen, light-infantry, and battalion-men. The three former will be fit for active service in the field, the latter for the common duties in the camp or garrison. I will allow volunteers and militia their full credit; but I do not think the regular troops merit the disparagement attempted. Volunteer corps have not been free from misfortunes. Colonel Crawford, at the head of five hundred

volunteers from Virginia and Pennsylvania, was defeated in the Western country, and he was burnt at the stake. General Braddock, it is said, was obstinate, and his European troops were undisciplined for such a service. The army under General St. Clair was lost, because the men were undisciplined and unfitted for that service. I can mention several instances where regular troops have successfully penetrated the Indian country, among warlike tribes, with success: Colonel Montgomery, into the Cherokees; Colonel Armstrong, to the Kittanig; Colonel Boquet's campaign of 1763 and 1764. Three detachments of the American army, in the year 1778, (one under the command of General Broadhead, one under Lieutenant Colonel Butler, and the last commanded by your humble servant,) penetrated the country possessed by the Six Nations. Neither of the detachments was large, and the last had to contend against superior numbers. In General Sullivan's campaign, the year following, his van-guard beat an equal, if not a superior number of Indians. I might mention the Roman legions: they almost constantly were successful against those they called Barbarians, until their enemies adopted the Roman discipline. I have a high opinion of the personal bravery and prowess of an Indian, but I do deny that they can act to the best advantage in large bodies. They have not an experience of that kind; disciplined troops would have the advantage. I reprobate the idea of a standing army, which might endanger the liberty of this country; but I consider the troops contemplated in the act of Congress to be absolutely necessary, until peace shall be obtained, and therefore shall vote against a reduction. Every step has been taken, and I dare say will be taken, by the PRESIDENT, to procure a peace without bloodshed. Our messengers of peace have, in some places, been murdered, and yet he has sent messengers to others.

Mr. CLARK.—One would suppose, from the style of the debate, that we were going to abandon the frontiers, the safety of the country, &c., and to disband the whole of the army: for, the arguments of those gentlemen who are opposed to the motion seem to be calculated to mislead the House, in that way, and to prove that the question under consideration is for reducing the whole of the troops now existing. But this is so far from being the true state of the matter, that it is not even contemplated to disband a single man of them; it only goes to the prevention of raising any more troops, which, perhaps, would be the safest policy under the present circumstances and temper of the United States. There are about three thousand three hundred effective men already raised, who are sufficient to garrison the forts on the frontier, agreeably to the gentleman's statement who introduced the motion; and, indeed, it seems as if they were fully competent, if we believe the report that the whole of the Indian force, at the time of meeting General St. Clair, and when they exerted themselves to the utmost, was but one thousand two hundred warriors.

Mr. C. made some further remarks on the sentiments which had been expressed by the gentle-

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man last up; and, in speaking of the discretionary powers vested in the PRESIDENT, he was of opinion that the situation of the Chief Magistrate in this respect was extremely delicate: for, supposing he might be inclined to stop the recruiting service, and reduce the war establishment; and supposing the frontiers to be again harassed, it might be charged to him for not having kept up the legal complement of men. Under this impression, Mr. C. wished that some way could be adopted of conveying to the PRESIDENT the sentiments of the Legislature on this subject, without the tedious form of a law.

MR. PARKER.—The gentleman from Pennsylvania [Mr. HARTLEY] has been reading a section of the law, to inform us of the discretionary powers vested in the PRESIDENT, which we have heard from other members before he rose, and which we all knew as well as himself. I am sorry to hear gentlemen, when they have no other resource of argument left, so often resorting to the name of the PRESIDENT, to carry their measures; and yet, in the present instance, I much doubt whether those sentiments are avowed by the PRESIDENT, which have been laid to his charge in the course of this debate: however, if they were really so, this is not a sufficient reason to silence me, or to prevent me from delivering my own sentiments, and those of my constituents who sent me here to do so. He vindicated the character of the militia, in opposition to the disgraceful picture which Mr. WADSWORTH had painted of this respectable class of citizens, whom he (Mr. P.) insisted were always more spirited soldiery, and fitter for fighting the Indians than the regulars, although they did not always move at the sound of a trumpet or beat of a drum, which were necessary to rouse the attention of heart-broken, mercenary troops, who seldom act but from force, or fear of the whipping-post. Militia were not so well acquainted with military show, or the display of columns; neither did the PRESIDENT OF THE UNITED STATES, when acting Major of a regiment little better than militia, find that the doctrine of tactics were of any great service to him.

Mr. P. further mentioned, that the forerunner's of General Burgoyne's army were taken by General Stark's militia near Bennington; and the capture of the whole of Burgoyne's army was chiefly brought about by militia, as General Lincoln had very few regular troops at the time of his surrender. In short, the militia bore a conspicuous share of almost every engagement during the war. At Trenton, the men who took the Hessians were little other than militia, as they had been raised but a short time before. Mr. P. could vouch for them, as he was a witness of their activity and bravery. Another instance offered of their success at Charleston, after it was taken by the British and the regulars drove off; the militia kept possession of the country and supported themselves. He also remembered having been called away from the regular army in the North to take the command of some militia in Virginia, who supported themselves for twelve months without either pay or provisions from the United States;

and yet they were never once defeated or disgraced, neither did they leave the country unprotected and exposed; and all they received for their services was certificates which necessity obliged them to alienate at three shillings in the pound, to persons who are now in possession of them drawing an annual interest of nearly as much, and who never perhaps had a good wish toward the Revolution. He next quoted the militia under Colonel Mercer, at Yorktown, who were successful in a skirmish with the enemy under Tarleton. These and several other arguments in favor of the militia, whom he still maintained to be the best security of a country, were used by Mr. P. He would not advocate the raising them from all parts of the United States, but only in such places as the safety of the frontiers required it most: they were not, to be sure, accustomed to the display of the column, &c., but they knew how to take the Indians in a proper way through the woods.

It gave him pain to hear the character of the militia so much traduced, and it also was a painful reflection to think of the two disgraceful defeats of our armies under Generals Harmar and St. Clair; indeed, it would have a strange appearance to the world, to think that this country is inhabited by the same men who lived in 1776. He repeated what he had before asserted, that most of the present regulars were collected from the stews and brothels of the cities, and had none of the spirit or principles of the honest yeomanry, who composed the militia during former wars, when every man turned out impressed with a good cause.

It was not, he said, his desire to criminate any individual in office, although he would maintain his right of expressing his opinion on that floor, so long as he held a seat in the House. But with regard to myself, said he, I am not disposed to pour incense into any man's cup; I respect the PRESIDENT as much as any man, and think him incapable of doing wrong, at least on those principles that foreign despots are supposed to do no wrong, because the people are their subjects, and dare not to say their Sovereigns do wrong, and dare not contradict this tyrannic maxim. If the House, or if the PRESIDENT, have committed an error, they ought to correct it; for my part, I conceived the whole of the plan wrong from the beginning. From the present appearances, he was convinced we should get no peace with the Indians, unless it were dictated by the British agents in Canada; for it was clear, as long as they can do us the injustice to withhold territory from us, we can have little reason to expect their aid or friendship in bringing about a peace which is so desirable. He hoped to live to see the day that America will be able to show herself superior to her enemies, and chastise them: at present, it would be improper to engage in any war, if it could be avoided.

In addition to the foregoing reasons offered by Mr. P. for being opposed to a war establishment, he also remarked, that it was from a desire to see the public debt redeemed without resorting to

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new taxes; for if they once should get fixed there, (pointing up to the Senate Chamber,) we should never be able to withdraw them, whether they were necessary or not. He concluded by a hearty wish that the motion made by his friend from North Carolina might succeed.

Mr. BOUDINOT was against the motion, as he thought any immediate alteration of the present system would be attended with dangerous consequences, under the present circumstances of the United States. He did not think it would be justifiable to alter it. It would show an instability in our public measures, especially at this moment, when we have done everything to bring about a peace with the hostile Indians: and, when it is just advancing to the season for effecting it—when it is at the eve of completion—shall we rashly counteract the whole? and after having brought the enemy, who were so much elated on account of their recent success, to a proper sense of our power and force to impose an honorable peace, would it not be extremely imprudent to lessen our own consequence before we have accomplished the object? The Indians would, in this case, most indubitably raise their demands in proportion to what they supposed to be our weakness. Mr. B. added several other observations.

Mr. WILLIS had always been strongly impressed with a dislike for standing armies; but when he considered the situation of the frontiers, and particularly of the State of Georgia, he must give his vote against the motion. Neither did he think two regiments by any means a sufficient force, even to garrison the posts.

On motion, the Committee rose and reported progress.

The SPEAKER laid before the House a Letter from the Secretary of State, enclosing a list of the several persons employed in his office, with the salary allowed to each, pursuant to the resolution of this House of the thirty-first ultimo; which were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill making compensation to the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce; and, after some time spent therein, the Committee rose and reported progress.

THURSDAY, JANUARY 3.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to regulate the claims to Invalid Pensions: which was received, and read twice and committed.

The House again resolved itself into a Committee of the Whole on the bill to make compensation to the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

The SPEAKER laid before the House a Letter

from the Secretary of War, enclosing a list of the persons employed in the several offices of his Department, with the salary allowed to each, pursuant to the resolution of this House, of the 31st ultimo; which were read, and ordered to lie on the table.

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The order of the day being called for, the House went into Committee of the Whole, (Mr. WHITE in the Chair,) on Mr. STEELE's motion for reducing part of the present military establishment of the United States.

In reply to the speech made yesterday by Mr. WADSWORTH, and which had been expressed in such strong language, Mr. STEELE thought it necessary to make a few observations, as a preliminary, before the House went further into the debate.

The gentleman from Connecticut had disputed the calculations which he, Mr. S., had produced. Perhaps the gentleman's calculations may be right, and perhaps both of our statements may be so; but with respect to those which I produced, if the acts of Congress are false, if the reports and estimates of the Heads of Departments on your table, Mr. SPEAKER, are false, then my statements are wrong, or "untrue" as the gentleman expressed it, and for which, I hope, on more cool reflection, he will not adhere to. Mr. S. then read the acts of Congress of the 29th of September, 1789, 26th of March, 1790, and 12th of August, same year; the 11th of February, 1791, and 23d December, 1792, &c., from which he clearly proved that every item of his calculations was exactly quoted. He knew of no surplussage unexpended at the War Department, but \$140,000, as reported by the Secretary of the Treasury; if any gentlemen in the House knew of any other, he hoped they would mention them. For his part, he thought the estimate for 1793 showed very little savings any where from the grants of the preceding year, but it contained demands for new grants much larger than for any former year. This, however, was a subject he did not at present mean to say much on, until he should hear the sentiments of other members. He therefore sat down with a reservation, that he would take the liberty of replying to such arguments as might be adduced against his proposition.

Mr. WADSWORTH disavowed any intention of being indelicate in his expressions yesterday, toward the gentleman from North Carolina; and if he had, in the warmth of debate, said anything to which that gentleman could take offence, it was not meant so, and he was ready to retract it. He could not, however, avoid taking notice, that the gentleman's arguments appeared to him to convey a strong censure on the Executive, and to spread abroad improper impressions. The principal error which he dwelt on, was that of quoting the difference between the appropriations of 1789 and 1790, to be so great as appeared from that gentleman's statement. But the fact is, that the gentleman had overlooked the laws, and instead of quoting the amount of the *two* appropriations made in 1789, he had only mentioned the amount of *one*, conse-

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quently this was giving an improper impression of the real comparative appropriations of those two years; for, when they are taken in the whole, the difference is not so great, nor the increase so much as Mr. STEELE exhibited it, by \$27,080. In like manner, the comparative increases of the other years, 1791, 1792, and 1793, have been misstated, and the truth is, that the total increases are not less, but *more* than the gentleman represented them by the sum of \$567,530 72.

Mr. CLARK hoped the gentleman last up did not suppose that the House was going to war with the Secretary of War. He sincerely wished that some means should be adopted of conveying the sense of the House to the PRESIDENT, who would thereby be considerably relieved from the delicate situation in which he now stands with regard to the discretionary powers vested in him. Before Mr. C. sat down, he suggested the idea of filling up the blank in Mr STEELE'S motion, with the word three, so as to limit the military to three regiments.

Mr. MILLEDGE liked the spirit of the motion, in regard to the prevention of standing armies; but he was against its being put in practice at the present time. He differed from the gentleman from New Jersey, and as his motion had not a second he would proceed. He wished the question under consideration to go to a Committee of the Whole, that a fair and open discussion of every point of the important subject might be brought into view. The situation of the State he had the honor to represent, had been mentioned in the course of debate; he therefore felt himself called on to deliver his sentiments; that he was persuaded there was not a member in the House who more ardently wished for peace than himself, or who would go further to promote so desirable an object, as putting an end to a savage war, and an enormous public expense; but he was of opinion that the reduction of the military establishment would not answer either of those purposes; that it well became members to take into consideration such parts of the Union as lay exposed, and then judge the propriety of the intended measure; that it was well known that Georgia was a frontier State, bordering on one side by a nation with whom a just understanding and intercourse still remains to be settled by treaty, and on the other by a warlike tribe of Indians, the most numerous of any on the Continent, ten thousand warriors, besides the Cherokee nation of three thousand and five hundred. A State, in proportion to its wealth, and in proportion to what it contributes to the General Government, of the fewest inhabitants, an extent of frontier from the river St. Mary to the northernmost line, full three hundred miles—a country hardly at any period enjoying perfect safety, since the commencement of the Revolution. My constituents, said he, adopted the Federal system, from a hope that we should be protected: some of them, at this moment, have never been able to return to their habitations, which they left at the commencement of the war; and I am warranted in saying that a part of my constituents are now throughout the State under

arms. Let members for a moment place their constituents in the situation of mine, and let me ask them if they would not demand the protecting arm of Government? As yet we have experienced little more than the enforcing a treaty, that has not been complied with on the part of the British, which has reduced some of our first citizens to a state of dependence on those who not long ago were their avowed and open enemies, and a deprivation of our territorial right, for the yielding of which a permanent peace and permanent line were to be established. Of the peace we have experienced no great share, and as for the permanent line it still remains to be run, and, from well grounded information, the half-way conduct of the Creeks the other day with Mr. Seagrove, gives very little reason to expect it. Such was the situation of his State. But to the point, he was of opinion that we set out wrong in warring with the Indians at any rate. Unfortunately for us, the event has not answered the design, and we are now reduced to that state that hardly any change can mend. The unaccountable success of the Indians has so elated them with their prowess, and which likewise has presented views to the English and Spaniards they never dreamed of, and the federated situation of the different tribes occasioned him not to hesitate in pronouncing that the several frontier States would be more or less exposed to the cruel ravages of a savage warfare. If the customs of savage tribes did not direct them towards us, they were incessantly excited by the British and Spaniards to amuse us with false pretences of peace, while they were engrossing the advantages of their trade. The aged Indians kept to their hunting, and the young men were gratified in the military exploits with the blood of our fellow-citizens. In this situation the frontier of the United States, a distance of not less than fifteen hundred miles, must be garrisoned. He left it to gentlemen to calculate what force would be required for that purpose, if troops should be employed in no other way. Militia, he said, were for sudden invasion; they were scattered when they returned, and must be protected while at home. The jealousy of the English, and their augmenting their force, surely ought not to occasion the reduction of any part of ours; if anything, it ought to have a contrary effect. He likewise said that it would be necessary to view the early history of our country, and find what had been the conduct of Spaniards and Indians about the commencement of the present century. The Spaniards, at the same spot where they now are, by their treachery, when they were at peace with the English, at a time when the Carolinians little suspected, when they imagined they were in perfect alliance with the Indians, the Yamasses, Creeks, and Cherokees, those Indians, by their instigation, massacred one hundred and thirty of their inhabitants, and drove the rest into Charleston. The inhabitants of the capital of Georgia are as much exposed as the Carolinians then were; a distance of twenty miles from Savannah, places them in an open, uninhabited country, to the Creek nation, and within that twenty miles, thinly inhabited on

account of the nature of their cultivation. What had happened, he said, might happen again: the Spaniards had not changed their policy. If, therefore, we are forewarned, ought we not to be forearmed? That, from their dangerous situation, even on a peace establishment, there ought to be at least five hundred troops on that frontier.

If public officers have misapplied the public money, the Constitution pointed out a mode to punish them. The Government belongs to the people, the officers are their servants, we are their Representatives, and we ought to do them justice. He conceived it was praiseworthy in any member to afford any aid or information in his power to bring these things to light; that he felt it his duty to make strict inquiry into the expenditure of public money; that he was sent by his constituents to protect their property, and in doing that should vote against the present proposition.

Mr. FINDLEY observed that a difference of opinion existed in respect to the motion for reducing the Army. The mover was for filling up the blank with two regiments; but Mr. CLARK had proposed three, and was against discharging any of those already enlisted. The principle of the motion was what he wished to speak to. Passing by the comparative view, so much alluded to in the course of the debate, of militia and regulars, he struck at once into the heart of the question. The redemption of the public debt, from the savings to be made by the reduction of the Army, seemed to be a principal object with some members, but, in his opinion, it was no more than a secondary one: the defence of the frontier is of superior concern.

The origin of the war goes much farther back than that of the present Government; it arose out of the war with Britain; and it has been ever since changing for the worse, until it has at length assumed a very alarming complexion; for it has united a greater number of tribes than has ever been known, and it has exposed a much greater extent of our frontier. With regard to the mismanagement or abuses, if any there were, it was no place to discuss such subjects by desultory debating in this House, whilst there were other modes open. He did not, however, believe that any material abuses had taken place indeed. This war is not one of the faults chargeable to the Executive, for it might with more justice, perhaps, be said to have had its origin in the ineffectual measures of the Legislature. The first Congress assembled under the present Government found the Union in a state of war; and although one regiment was stationed at Pittsburg, yet the militia were not relieved from actual service. But the lately raised troops may perhaps be found more effectual, as it is said there is an excellent system of discipline established amongst them.

With regard to the argument that the Union cannot support so heavy an expense by new taxes, he was of opinion that every consideration ought to give way to the safety and protection of the country.

A particular plan is set into operation for ac-

complishing a peace, and it ought not to be arrested without a trial being made. The ill-defined law authorizing the PRESIDENT to call out the militia, and the levies under General Harmar, did not answer the end intended, for the time of their enlistment had nearly expired ere they had reached their destination; but if General Harmar had carried out two regiments of permanent troops, he could, without the assistance of the militia, have destroyed all the Indian towns and villages that stood in his way, and he would have completed the object of erecting a line of posts which would secure a lasting peace; but from the weakness of the force and the inefficacy of the law, the purpose was arrested at a critical moment, and the vengeance of the Indians roused to the utmost pitch; instead of their fears being alarmed, the next step of raising another regiment was of a piece with the former weak policy; for the encouragement was insufficient, and the miserable two-dollar men who were raised for a six months' service—their fate is too well known, and will be long remembered. They arrived at the wilderness with clothing that lasted only to the time they reached the scene of action, and those who were not cut off by the enemy were left to starve with cold in the most inclement season.

The fatal catastrophe of this campaign has only served to elate the Indians, and render them insolent, as appears from their treatment of our messengers under flags of truce. The parsimony on those occasions has been the cause of a double expense.

In opposition to this, it may be said that those parsimonious plans were recommended by the Executive, and only enacted into laws by the Legislature. This, however, if it were the fact, is no apology for the Legislature, for they have no right to cast their Legislative responsibility upon the Executive Department; nor can they do it without a breach of trust towards their constituents. The members knew that the encouragement of pay and time of enlistments would never answer any good purpose; the want of resources could have been no reason for that parsimony toward the defence of the frontiers, because it is known that we found revenue enough not only to pay the interest of the public debt, and to support the Government, but even to pay the debts of the individual States. The conviction of these mistakes induced Congress, at last, to make adequate provision, and now an attempt is made to withdraw the means before the end is accomplished. The other branch of the Legislature has prevented us from giving higher wages to encourage the recruiting service; but notwithstanding all this, it appears to go on with considerable success.

Here he mentioned something of the confidential communications which he was not now at liberty to explain. The gentleman who says that two regiments are sufficient to garrison the forts, ought to consider that garrisoning those, is not the only object in contemplation. If we expect to exist as a nation we must protect the whole frontier, and make it the interest of the Indians to be at peace with us.

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But do gentlemen consider the consequences of throwing all internal defence and distant expeditions upon the militia? Is it not enough that they already stand as a piquet guard to their brethren who live at ease; that they eat their bread in the fear of their lives, and are frequently embittered with the view of mournful incidents; but that we must lay a deliberate plan for increasing the number of their fatherless children and childless parents?

To say that those States who have frontiers, ought to be left to protect themselves, is a very anti-Federal sentiment, which he was sorry to hear advanced in that House. Neither is it generous to say we will pay the expense, and let them fight for us. Do gentlemen contemplate to what issue these principles would lead? Do they not observe that the fate of the Government is deeply involved in the decision? Perhaps I may be asked, Did not the States depend chiefly upon their own exertion for the defence of the frontiers under the old Congress? Yes, they did, and were better protected than since that period. But let it be recollected that at the time the States had the command of their own resources, and the laying and executing their own plans, that the Indians were not so formidably combined. But that since the States had not the power of retaliating, nor the means of gratifying with presents; since the Indians have been solemnly told to look away from the little fires of the States, to the great fire of the Union, they have looked upon us as a more formidable and dangerous foe, and made their arrangements accordingly, and European nations, and emissaries among them, have improved upon the circumstance, and excited and aided them in their union and exertions.

He made some further remarks on the impolicy of oppressing the militia at Marietta, &c., and asked if it were possible that those unfortunate few could be able to protect the whole frontier against the united force of the Indians?

He agreed with those who said that the sense of the people of America was in favor of peace; but the question is come to this. It is not to begin a war that we have raised this army, but to procure a peace, and so soon as this end is attained, the Army will be discharged. It is raised to protect, not to oppress, or to aid in governing our citizens. I know, said he, that standing armies have always been sources of oppression and aids of tyranny. Our people may long be governed without such aids; their situation will not admit of abuses from standing armies, nor would the citizens submit to them.

He was confident that the Army would be discharged by the next Legislature, as soon as a prospect of our affairs will admit it. The present prospects were not of a very flattering nature, and therefore it was good policy to keep up the force at the present crisis; and it would be dangerous to repeal the law under the circumstances.

The present Indian war is essentially different from any former one. When Britain and France divided North America betwixt them, if the emissaries of both excited the Indians to war, the

power of both afforded protection. When Britain became possessed of the Western posts, and many tribes of Indians commenced a war, the British Government conducted the war, carried it into the Indian country, and by the dread of their arms procured peace; but the Indians were not then supported by other Powers. In the present war, the Indians who at that time knew nothing of us, have combined to make it a common cause; and no superior Powers interest themselves in our favor. No: they conceive our interest to be inimical to theirs. But if they did not receive encouragement, protection, and supplies from our superior neighbors, a peace would soon be procured. The gentlemen who support this resolution know well how that matter stands, and they know explanations here are not convenient. He concluded by declaring that he could not vote for the motion.

The Committee now rose, and had leave to sit again.

FRIDAY, January 4.

SAMUEL [STERRETT, from Maryland, appeared and took his seat in the House.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill to make compensation to the widows and orphans of certain persons who were killed by Indians under the sanction of flags of truce; and the same being read, some were agreed to and others disagreed to. And then the said bill, being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed and read the third time to-morrow.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, enclosing lists of the persons employed in the several offices of his Department, with the salary allowed to each; also, a Letter accompanying certain statements relative to foreign loans, which have been made by the United States, under the authority of the PRESIDENT, pursuant to the resolutions of this House of the 24th and 27th ultimo; which were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to regulate the claims to Invalid Pensions; and, after some time spent therein, the Committee rose and reported progress.

SATURDAY, January 5.

A petition of the inhabitants of the city of Hudson, in the State of New York, was presented to the House and read, stating the inconveniences under which they labor, from being obliged to register, enter, and clear their vessels at the port of New York, and praying that the said city of Hudson may be made a port of entry. Referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

An engrossed bill to make compensation to the widows and orphans of certain persons who were

killed by Indians, under the sanction of flags of truce, was read the third time and passed.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the copy of a message of Cornplanter and New Arrow to Major General Wayne, dated the 8th of December last, relative to the measures which they have taken to conclude a Peace, on behalf of the United States, with certain tribes of hostile Indians; which were read, and ordered to lie on the table.

MILITARY ESTABLISHMENT.

The House again resolved itself into a Committee of the Whole House on the motion of the 28th ultimo, for reducing the military establishment of the United States:

Mr. MOORE said, that there was not sufficient information before the House respecting the prospect of a peace, to warrant a sudden reduction of the Army. He referred to the abuses which had been hinted at in some of the branches dependent on the War Establishment, but he did not believe there had been any worth much notice. He also mentioned the abstruseness of attempting an investigation into the origin of the war—whether the frontier settlers, or the Indians, were in fault, was a difficult thing to determine; but from many circumstances, it appeared to him, the white people were often guilty of committing depredations. This was, in his opinion, a good reason why the protection of those frontiers should not be intrusted to the militia that would be raised there. Shall we intrust the conduct of that matter to the very persons whom it has been alleged are often the aggressors? Can the PRESIDENT, at the distance he is situated from the Western Territory, check all the irregular proceedings that might happen amongst such a militia? There were two obvious reasons for passing the law of the 5th of March, 1792, for the protection of the frontiers by regular forces. First, it could not be expected that militia would always prove successful against the Indians, because the latter are gaining more experience every day in the mode of warfare, and there can be no dependence on a treaty between those militia and the Indians. The second reason was, that the PRESIDENT was strongly impressed with the necessity of establishing the greatest degree of harmony between the United States and the Indians, by encouraging and protecting a trade with them, and that this could be easiest and best effected by establishing a line of forts along the frontiers, to be garrisoned by regular troops. Mr. M. next mentioned something of the manners and customs of the Indians, whose practice it is to spend most of their time on their hunting grounds, leaving their old men, women, and children, in their towns. They have no regular plan of Government, and can only be attached by influencing some of their chiefs. The system of harassing them by burning and destroying their towns at the time they are employed in hunting, has come recommended to us by experience, and regular troops are the best to be employed in this service. Their present inexperience will soon be done away

by a proper mode of discipline, and why may not these troops be soon instructed? Are they not as capable of receiving instructions as militia, and may we not expect more subordination amongst them, than could possibly be established over militia? He concluded by declaring himself against the motion.

[Here the SPEAKER informed the Chair that he had received a confidential Message from the PRESIDENT. The Committee then rose, and the galleries were closed for some time.]

The House having gone into Committee, the debate was renewed by Mr. WILLIAMSON, Mr. MADISON, and Mr. STEELE.

Mr. STEELE rose after Mr. MADISON, and said he was perfectly in sentiment with that gentleman, in regard to the propriety of inserting an amendment to the motion, which might secure a sufficient appropriation to carry on offensive operations against the hostile Indians, by the militia of the frontiers; and if an alteration was proposed to that effect, he would second it. The attention of the House to this question speaks its importance; it is probable one more important will not occur during the present session. On its decision are suspended the hopes and fears of the people of this country, their hopes of a speedy and honorable peace, and their fears of a standing army, with its usual retinue of political evils.

The present is regarded as an interesting epoch in the affairs of the United States; and it has been perceived, with serious regret, that while our national character is forming, (he hoped it was not yet formed,) it seems to partake, in some respects, more of the unnatural spirit of Monarchy, than of the mild and conciliatory temper of a Republic. The principle of keeping up standing armies, though highly obnoxious to the great body of the people, has not been equally so to the Government; they have been maintained and increased without affording protection, or even defence to the frontiers. The supplies necessary to support the establishment begin to discover an alarming derangement of the public finances, and it is now incumbent on the House of Representatives to check this growing mischief.

Mr. S. then adverted to the effects of standing armies on the morals and political sentiments of the people, wherever they had been employed; of the expensiveness of all such establishments, and of the wicked purposes to which they had been, and might be, subservient. He said he had prepared himself to have spoken largely to this point, and to have quoted the pernicious effects of such a policy in other nations; but the debate having been already lengthy, and the Committee probably fatigued, it would be sufficient for his present purpose, for the members to make their own reflections, and to mark the rapid progression of the Army from 1789 to 1792, both in numbers and expenses. Instances from foreign history are superfluous, when our own affords such ample testimony. The establishment began with one regiment: it is now five. The House was called on 1789 to appropriate a little more than \$100,000 for that Department; in the present year, above

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\$1,000,000 is demanded. The reason of this extraordinary additional expenditure, this unexpected increase of the Army, if not enveloped in darkness, has been founded on policy hitherto not satisfactorily explained. He said, however lightly he was disposed to touch this part of the subject, he could not avoid reminding the Committee of the memorable sentiments of 1776, in regard to standing armies; of the universal abhorrence of the Americans to them at that time; and, to illustrate it more clearly, he read the expressions of some of the States in their Bills of Right. These were the sentiments of the Whigs of 1776, and to such Whigs he wished to appeal on this occasion. He also reminded the Committee of the recent debates of 1788, of the amendments proposed in several of the State Conventions, of the unanimity which prevailed among all ranks of people on this particular point; and it is now to be lamented, said he, that while the ink which recorded these objections to the Constitution is yet drying, the evil then predicted has taken place.

If there is a subject on which much deliberation is unnecessary, in order to form a right opinion, it would be in regard to military establishments. The feelings of a free people revolt at their continuance, and every man who reads or thinks, can point out their dangers. He said he felt more anxiety for the fate of this motion, than commonly marks his conduct, because this is the last session that will ever afford him an opportunity to trouble the House with his sentiments on this or any other subject. The motion was brought forward to discharge a duty which he owed to his constituents, to satisfy his own conscience, and to afford that protection to the frontiers which they deserved, and to save the public money. If an uncommon degree of zeal was discovered in supporting the motion, it ought to be attributed to these, and no other motives.

The question will now soon be taken; if adopted, I shall be among those who rejoice; if rejected, among those who have always submitted with a proper degree of decency to the decision of the majority. But in any event, the public will know that we have asserted the sense of the people against standing armies, that we are anxious to defend the frontiers against their enemies; that we have recommended a system of economy and efficiency, instead of profusion and delay; that we have recommended a system calculated to produce victory and peace, instead of disgrace and war, and that we wish to rescue the Government from the intoxication of the times, and all the apery of military establishments.

He said he had been attentive to the arguments of the opposition, and they led principally to four points. If neither of these positions be found tenable, the motion will certainly succeed; and that they are not tenable, is believed and will be shown.

1st. It has been boldly asserted that the PRESIDENT is the author of the existing system.

2dly. They call in question the sincerity of our declarations in wishing to afford effectual protection to the frontiers.

3dly. They deny the competency of the militia.

4thly. The impolicy of reducing the establishment, when a treaty is expected.

In regard to the first, we deny that the PRESIDENT is the author of this plan of prosecuting the war, not having avowed explicitly himself that he is so, no document appearing to confirm that opinion, we are justified in attributing a system which appears to us ineffectual to his Secretary and not to him.

It is true, that the Secretary is only a finger of his hand and the intimate connexion which must of necessity subsist between them, perhaps is the ground upon which the assertion has been made. The Secretaries are all equally near to the PRESIDENT, and if it be admitted that he is the author of this, he may with equal propriety, be said to have been the author of every system on general subjects which either of them have recommended.

Was he the author of the report on the fisheries? Was he the author of the plan for establishing the National Bank? It is known that he was not, and circumstances might be mentioned (which are withheld from delicacy) to confirm this opinion.

Was he the author of the Funding System? Some gentlemen in the opposition to this motion, would not be willing to give the PRESIDENT that credit if he claimed it, and some who support this motion would not only be sorry that the PRESIDENT had even claimed such a credit, but believe that it was in no respect attributable to him. The same gentleman, [Mr. WADSWORTH,] who first asserted that the PRESIDENT was the author of this military plan, in the same speech admitted it to be the War, as well as the plan of the House, and then argued on the necessity of stability in our measures. It is not very material to the present question whose plan it is, being a public measure, we are justified in offering our objections to it, and this is the first time that I have heard it publicly asserted that a Government should persevere in an error, because they had undertaken it. If the plan be a good one, it may be supported by reason; if a bad one, no name ought to be called in to prop it up.

The inconsistency of that gentleman's [Mr. WADSWORTH's] arguments not only supports the motion before the Committee, but shows the wretched shifts which have been used to defeat it.

It has been said, in the course of the debate, that individual members, and even this House, are incompetent to decide upon the efficacy or inefficacy of military plans. In answer to this it may be said, that if we are not all Generals, we are all members, and that we have the privilege of thinking for ourselves and for our constituents. To admit this doctrine in the latitude which has been expressed, would be to introduce military ideas indeed; it would be to make soldiers of us, instead of Legislators: nay, worse than that, it would be to revive the exploded doctrines of passive obedience, and non-resistance.

In regard to the sincerity of his intentions to afford effectual protection to the frontiers, Mr. S. said that he had been sufficiently explicit, that a feeling for the sufferers had dictated this motion; that he was sorry that it had been whispered in

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the ears of some of the members that it was intended to withhold the necessary appropriations, and divert them to other purposes.

If two regiments were insufficient to garrison all the posts necessary for defence, he would even, under certain restrictions, consent to continue the three sub-legions, thereby enabling the PRESIDENT to establish double the number of posts now erected if he should deem it advisable. Regular troops being incapable of active expeditions against Indians in the wilderness, his wish was to abandon that system and confine them entirely to the garrison.

The next objection to the motion is the incompetency of the militia, and to support this opinion the gentleman from Connecticut [Mr. WADSWORTH] has made this expression, "that as to the expedition under General St. Clair, the regulars were few, and not to be named when compared with the number of the militia." The truth is, there was not a man engaged that day as a militia man, except the advance guard commanded by Colonel Oldham, which consisted of about three hundred, perhaps a few more, the field return of the day preceding the action being in the War Office, this can be ascertained with precision. The balance of the army on that unfortunate day, had been enlisted as regulars, were fought as regulars, even clothed as regulars, and poor fellows, died like regulars. They suffered the fate which awaits every regular army destined for similar expeditions. Even the handful of militia employed that day, did not deserve that name; they were chiefly substitutes for draughted men from the ceded territory. This draught became unavoidable, from a misfortune to General Sevier, which Mr. STEBLE related.

The attack on Major Adair has also been mentioned, as a proof of the incompetency of militia, and Mr. S. insisted that the only inference which could be drawn from thence was, that one hundred militia were able to repel, but not destroy near two hundred Indians. This event he conceived was in favor of and not against his motion.

He next adverted to the arguments of Mr. WADSWORTH, in regard to the war of 1762; of the establishment of posts in Pennsylvania and Virginia, and of the success of Colonel Boquet's expedition. If two worn out regiments at that time were sufficient to defend the frontiers, and, with the aid of the militia, to terminate the war, two new regiments, with all the vigor which the gentleman described them to possess, with the aid of established posts, and a much more effective militia, can certainly be equal to the same end. After examining Mr. W.'s arguments for some time, Mr. S. said, that when analyzed, it would be found that they proved more than they were intended to prove; but the merits of this motion did not require that he should take advantage of these indiscretions.

He showed from the history of 1762, that though posts were established, with a handful of regular troops in each, they never answered the purpose of effectual protection; but the frontier people were always obliged, in a great degree, to defend

themselves; that they were best calculated for that service, and that they would perform it now with alacrity and success, if well rewarded.

Mr. S. then refuted the objection against the militia on account of their waste and expense which Mr. W. had alluded to. The law allows a mounted volunteer, furnishing himself with a good horse, good arms, provisions, and every other necessary, except ammunition, at his own risk and expense, one dollar per day. The exact expense, of such an expedition can be calculated. Whether successful or not, the charge to the public cannot be increased. The contractors, quarter-masters, and hospital departments, are all avoided, with the abuses, expenses, and frauds, attending such establishments. Mr. S. enlarged upon this point, and said that these were always found to be the most expensive departments in any army, and that the Federal Treasury had felt their effects already. In favor of the militia, it may be asked, who fought the battle of Bunker's Hill? Who fought the battle of New Jersey? Who have fought the Indians so often with success, under Generals Wilkinson, Scott, Sevier, and others? Who marched in 1776 under General Rutherford, through the Cherokee nation, laid waste their country, and forced them to peace? Who fought the battles of Georgia, under Clark and Twiggs? Who fought the battles of South Carolina, under the command of an honorable member now present? Delicacy forbids me to enlarge upon his successes in his presence.

Who fought the ever-memorable battles of Cowpens, King's Mountain, Hanging Rock, Blackstocks, the pivots on which the Revolution turned in the Southern States? In short, who fought all the battles of the Southern States, while we had a mere handful of regular troops, scarcely the shadow, much less the reality of an army?

They were all fought by freemen, the substantial freeholders of the country: the men attached to the Revolution from principle: men who were sensible of their rights and fought for them.

Such men will not enlist in regular armies, nor will any one who has the disposition or the constitution of a freeman. It would give me pain to describe the trash which composes all regular armies: they enlist for three dollars a month; which, in a country like the United States, is a sufficient description of their bodies as well as their minds. Such men are not fit to combat the most active enemy in the world. Here Mr. S. read Major Gaither's and Major Trueman's depositions, respecting the defeat of the 4th November, 1791, stating that they could not see the Indians, because they were behind trees, &c.; that the regular troops tried, but could not fight that way; that they seemed to be stupid, and incapable of resistance; and that if any General in the world had commanded such men that day, he must have been defeated as they were.

An additional argument, and one of the most weighty, too, against regular expeditions, in this species of warfare, is, that, by the slowness of their movements, the force of the enemy may be concentrated; time is afforded them to form alliances,

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and to confederate against those whom they consider a common enemy. It is otherwise with militia-incursions. He offered a number of reasons to show that it was so, and how essential for the interest of the United States to adopt a policy calculated to detach the tribes from each other as much as possible.

But it has been said, these men were not regular troops. Mr. S. asked, what, then, were they? They surely were not militia. The last objection, and the least serious of all, to this motion, is the expectations of a treaty in the Spring. Mr. S. said, if he thought the gentleman who threw this difficulty in the way believed himself that we have any reason to expect a permanent peace from the treaty now proposed, it may deserve an answer. Facts are more to be relied upon than words. From the channel through which these propositions have come—from the whole complexion of their talks, and from the late attack on Major Adair, it may safely be asserted that no peace can be effected in the Spring. He recapitulated some of the difficulties which this motion had to conflict with, and said that he could mention others, if he was at liberty to do so. Under such circumstances, success is hardly to be expected; but he knew the merits of the motion deserved it.

Mr. HULLHOUSE, who had hitherto sat silent, observed that nothing new had been advanced, in the whole course of this long debate, but what he had heard mentioned last Winter in that House. He was then opposed in principle to a war establishment, and he still retained the same opinion; but, from the complexion of affairs, it appeared to him that he ought to submit, and give up his own opinion to the general sense of the Legislature, which at present seemed to be for persevering in the system already adopted, and which, as it had scarcely had time for a fair trial, he thought, therefore, ought not to be arrested, perhaps in the very instant when its efficacy was to be expected. If peace should not be established during the next Summer, he would then join with such members as would propose a better system; but as the law provides for the discretionary powers of the Executive, it would be best to rely on them. A standing army, he said, was a thing impossible to be accomplished in the United States whilst the House of Representatives have the power of granting money only for two years at any time; he therefore had no fears on that score. An army existing in time of peace was the idea he had of a standing army, and not an army embodied for only a year or two. Upon the whole, it would be as expensive to disband the present force, and to institute another of militia, &c., as it will be to keep up the existing establishment for a little longer time; it was therefore his advice to let the matter rest where it is, with the Executive, for the present. But, in case of a peace not being accomplished within a reasonable period, he would join those who would be for a change in the system; and he was clearly of opinion that a system might easily be adopted, not only to protect our frontiers by repelling the savages, but to exterminate them altogether.

Mr. FINDLEY felt himself inclined to say a word or two more in reply to Mr. STEELE. He thought it would be unjust to lay so much of the weight of protecting the frontiers on the militia only. He expatiated on the meaning of the word *militia* as defined by law, &c. He also remarked that however it might be fashionable to despise the levies, yet amongst them there were examples of great bravery to be found, and particularly in one battalion of the unfortunate army on the 4th of November, 1791. He noticed the well-conducted retreat of Major CLARK, and the success of General Brodhead up the Alleghany. It was unjust to expect to raise enough of militia in the back parts of Pennsylvania; and the inhabitants of Virginia are so dispersed near the frontiers that they cannot be expected from that State. With respect to the men who went out with General Harmar, and whose time of enlistment expired soon after they reached the scene of operations, many of them remained and settled in that country. He again repeated the injustice of calling out heads of families from one part of the frontier; and, above all, he lamented the risk and loss of lives. But, if it should be determined to carry on the war with militia, let them be called from all parts of the United States. The burden already laid on a part of the inhabitants is extremely unequal, and must not lay longer on them. Let the troops now raising be disciplined. I am informed that many of them are considerably advanced in point of discipline, and may before Spring become expert soldiers. Let these go on in the present system, and let the militia also be kept up or increased, until the object shall be attained for which the law was intended, and then, and not before, it may be proper to talk of reducing the present establishment. We are now in a situation that it would be extremely imprudent to retreat from.

Mr. MURRAY delivered some opinions on the preceding arguments of all the members, and remarked that the army, under the present establishment, had no right to be compared to or called a standing army; it bore no more comparison to a standing army than a cameleon to an owl.

Mr. WADSWORTH closed this tedious debate with a few further explanations. He accounted for the difference between his calculations and those of the gentleman from North Carolina by observing that he got some of his statements from the War Office. Mr. STEELE's were taken from the appropriation laws, and in one instance he had underrated the appropriations. With regard to the opinions he had delivered on the militia, he had never meant to traduce the character of militia, because he had often experienced their brilliant actions; his arguments went no further than to show that the operations of regular troops were in general more effectual. He never wished to detract from the honor of militia, but only to remark that they were not so efficient as regular troops.

The question on the original motion being now put, was negatived.

Mr. WILLIAMSON did not entirely approve of the motion in its present form; the blanks might

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be so filled, he thought, as to import a thing opposite to his wishes—they might import a discharge of the regular troops already raised. He believed his colleague had no such desire; he thought the measure would be improper; but he wished not to have a regiment of officers without soldiers; he wished to fix a time at which the recruiting service should cease and the supernumerary officers should be discharged. As he intended to move that the proposition might be so amended, he should consider it in that light, and he believed the measure would not be imprudent nor inconsistent with the most vigorous measures of defence or offence.

It should be remembered that the House of Representatives, when they had the bill before them, which last Winter passed into a law, for defending the frontiers, sent it to the Senate, with a clause importing that officers below the rank of field-officers should not be put into commission any faster than troops could be enlisted. The Senate, adhering to their privilege, refused to agree to that clause in the bill, and it became necessary immediately to commission the officers for five thousand men, some of whom, if report speaks truth, not covetous of honor, are content with their pay, without having raised three men. By the proposed amendment the officers only would be dismissed, whom most of us wished never to have seen in commission.

The proposed regulation has been censured as implicating some kind of censure on the Executive. He viewed it in a different light. The Executive had done what was proper and necessary at the time. But if it should appear that other measures would fit the change of circumstances, he did not see why those measures should not be adopted. It should be recollected that, during the last Winter, when the estimate of five thousand men as necessary for the defence of our frontier was handed to Congress, there was no Militia law. A well-armed effective militia, that Palladium of Liberty, had once and again been recommended by the PRESIDENT to the attention of Congress; but Congress, from year to year, as if they wished for a standing army, had neglected the militia. Towards the close of the last session, indeed, they passed a law. He hoped he might, without offence, call it the shadow of a law. It was saying, in a few words, that the several States might have a good militia if they pleased; and, if they pleased, they might have none at all. Was the Executive to trust the defence of a country to a militia formed under such a law? He thought not. But he observed that, since the last Winter, it had come to be generally known that a class of our fellow-citizens exist on the frontiers who are at all times ready to serve, not as drafted militia, but as volunteers. These are the men by whom the Indians must be chastized, or we shall never have peace. They are the best woodsmen and marksmen, and they have no professional interest in spinning out the war. He must repeat the observation that volunteers of the militia are the only troops for vigorous offensive operations. Figure to yourselves an army of

regulars creeping through the wilderness, with all its cannon and other military apparatus, in chase of a naked savage, who sees it without being seen. It is an elephant in chase of a wolf. The troops already raised may be pretty well disciplined before the season for action; they are sufficient, with the co-operation of the militia, to take a post, and build forts where they please; everything else is beyond their power, if they were not five but fifteen thousand. They will never see an Indian unless he chooses to be seen. He wished to be indulged in a single observation respecting a case in which it was said, the other day, the militia had been surprised. He was sorry that his naming Major Adair had produced the remark. He would nevertheless venture to repeat the case as an instance of vigilance and bravery. The Major, believing there was an enemy at hand, had visited all his posts at midnight in person; his Lieutenant, Madison, before the dawn of day, roused all the men, telling them that the Indians were coming. The Major, wishing to leave the ground before daylight, called in the sentinels; but the Indians, rushing in with them, gave a heavy fire before there was light by which they could be seen. The Major had not the merit, as he believed, of having been a Continental officer, but he had the merit, not less honorable, of having served bravely in the militia. He questioned whether any of the green troops to be recruited next Spring or Summer will make so good a defence as Major Adair's militia had made. They had taken scalp for scalp, though they fought against the odds of three to one. He prayed it might be remembered that his ideas were not founded on any hopes of sudden peace with the Indians; on the contrary, every motion of the Indians, and every measure taken by those who had most influence over the Indians, induced him to regard an Indian war as the perpetual tax of at least one million per annum. It is fortunate, as he conceived, that the United States know the source of their misfortunes; and if they are compelled to spend one million per annum in opposing a savage enemy, who seems to be hunted upon them, perhaps they may be taught to indemnify themselves by refusing to expend several millions which they can easily save. If a perpetual tax on this head must be raised, sound policy will readily point to the proper object of taxation; but this must remain over for our successors. In the mean time, believing that the troops already raised are sufficient to maintain every fort that is or may be erected, and being confident that volunteers may be found at any time sufficient, if it shall be necessary to extirpate every hostile tribe of Indians, he should vote for the proposition with the proposed amendment.

The question being taken on Mr. W.'s amendment, viz:

“Resolved, That a committee be appointed to bring in a bill to reduce the military establishment of the United States to — regiments, to consist of the men who are now in service, or who may be recruited before the — day of — next,” &c.—

was negatived—32 to 24. The question then was

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on the original resolution, as moved by Mr. STEELE; which, being put, it was negatived—21 members only rising in favor of it. The Committee then rose, and the Chairman reported accordingly. The report was laid on the table, and the House adjourned.

MONDAY, January 7.

Mr. LIVERMORE, from the committee appointed, presented a bill to repeal part of a resolution of Congress of the 29th of August, 1788, respecting the inhabitants of Post Saint Vincents; which was received, read twice, and committed.

Mr. LAURANCE, from the committee to whom was re-committed the bill making appropriations for the support of Government for the year 1793, reported an amendatory bill; which was read twice, and committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said Committee, and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill do lie on the table.

The House again resolved itself into a Committee of the Whole House on the bill to regulate the claims to Invalid Pensions; and, after some time spent therein, the Committee rose, and reported progress.

TUESDAY, January 8.

The House proceeded to the consideration of the bill making appropriations for the support of Government for the year 1793, which lay on the table; and the said bill being amended, was, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act in addition to the act entitled 'An act to establish the Judicial Courts of the United States;' to which they desire the concurrence of this House.

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying a report of the assays and experiments made by the Director of the Mint, on the gold and silver coins of France, England, Spain, and Portugal, pursuant to the order of the 29th of November last; which were read, and ordered to lie on the table.

The bill sent from the Senate entitled "An act in addition to the act entitled 'An act to establish the Judicial Courts of the United States,'" was read twice, and committed.

MILITARY ESTABLISHMENT.

The House proceeded to consider the motion of the 28th ultimo, for reducing the Military Establishment of the United States, to which the Committee of the Whole House had reported their disagreement on Saturday last. Whereupon,

A motion was made and seconded to amend the same by striking out the words "each of ——— non-commissioned officers, privates, and musicians," and inserting, in lieu thereof, the words "of

——— non-commissioned officers, musicians, and ——— of the privates who are now in service, or may be recruited before the ——— day of ——— next."

And the question being put thereupon, it passed in the negative—yeas 26, nays 32, as follows:

YEAS.—John Baptist Ashe, Abraham Olark, Elbridge Gerry, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, William Barry Grove, Richard Bland Lee, George Leonard, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Jeremiah Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Artemas Ward, and Hugh Williamson.

NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Aaron Kitchell, John Wilkes Kittera, John Laurance, John Milledge, Frederick Augustus Muhlenberg, William Vans Murray, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, Alexander White, and Francis Willis.

And then the main question being put, that the House do agree to the said motion, it passed in the negative—yeas 20, nays 36, as follows:

YEAS.—John Baptist Ashe, Abraham Clark, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, William Barry Grove, George Leonard, Samuel Livermore, Nathaniel Macon, John Francis Mercer, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Jeremiah Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Abraham Venable, and Artemas Ward.

NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry, Andrew Gregg, Thomas Hartley, James Hillhouse, Daniel Huger, Aaron Kitchell, John Wilkes Kittera, John Laurance, Richard Bland Lee, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Alexander White, Hugh Williamson, and Francis Willis.

Ordered, That the committee to whom was committed the Letter and Representation from the Chief Justice and Associate Judges of the Supreme Court of the United States, referred to in the PRESIDENT'S Message of the 7th of November last, be discharged from the further consideration of the same.

The House again resolved itself into a Committee of the Whole House on the bill to regulate the claims to Invalid Pensions; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were read, and partly considered.

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Ordered, That the further consideration of the said amendments be put off until to-morrow.

WEDNESDAY, January 9.

An engrossed bill making appropriations for the support of Government for the year 1793, was read the third time, and passed.

INVALID PENSIONS.

The House resumed the consideration of the bill to regulate the claims to Invalid Pensions. Whereupon, a motion was made and seconded further to amend the same by adding to the end thereof the following section, to wit:

“And be it further enacted, That no person, not on the pension list before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed, saving, however, to all persons all and singular their rights, founded upon legal adjudications, under the act entitled ‘An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to Invalid Pensions;’ but it shall be the duty of the Secretary of War, in conjunction with the Attorney General, to take such measures as may be necessary to obtain an adjudication of the Supreme Court of the United States on the validity of any such rights, claimed under the act aforesaid, by the determination of certain persons, styling themselves Commissioners.”

And the question being put thereupon, it was resolved in the affirmative—yeas 40, nays 20, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Daniel Huger, Israel Jacobs, Aaron Kitchell, John Wilkes Kittera, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Elbridge Gerry, Nicholas Gilman, James Hillhouse, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, and Artemas Ward.

And then the said bill being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill entitled “An act to amend an act entitled ‘An act establishing a Mint, and regulating the Coins of the United States,’ so far as respects the coinage of copper,” with several amendments; to which they desire the concurrence of the House.

The House proceeded to consider the said amendments, and the same being read, were agreed to.

THURSDAY, January 10.

INVALID PENSION BILL.

An engrossed bill to regulate the claims to Invalid Pensions was read the third time, and a blank therein filled up.

And on the question that the said bill do pass, it was resolved in the affirmative—yeas 36, nays 13, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Elias Boudinot, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, James Gordon, Christopher Greenup, Thomas Hartley, Daniel Heister, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, William Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Shearjashub Bourne, Benjamin Goodhue, James Hillhouse, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Israel Smith, Jonathan Sturges, George Thatcher, and Artemas Ward.

The House resolved itself into a Committee of the Whole House ‘on the bill relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto.

Ordered, That the said bill, with the amendment, do lie on the table.

CLAIMS AGAINST THE UNITED STATES.

The House resolved itself into a Committee of the Whole House on the motion of the 12th ultimo, for opening a Loan to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States.

After reading the report of the Commissioners for settling the accounts, Mr. GILES made some opposition to providing for these balances before they were ascertained; that is not done by the report of the Commissioners.

Mr. FITZSIMONS briefly stated the motives which had induced him to come forward with the resolutions previous to ascertaining the balances; he thought that, while there was an uncertainty in the matter, the decisions would be more readily and impartially made.

Mr. LIVERMORE objected to providing for balances before they were known; he thought the resolutions incomplete, as they recognised only creditor States, and say nothing about debtor States.

Mr. FITZSIMONS said he did not believe there

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would be any *debtor States*; he was sure there ought not to be any.

Mr. MADISON objected to the resolutions on the same principle with Mr. LIVERMORE; he enlarged on the idea, and insisted that, without the most urgent necessity, the provision contemplated ought not to be made in the present uncertain state of the subject. On the principles of justice and economy, he contended that a system which would be so complex in its operation ought not to be adopted; it would operate to the extension of taxation in the United States to the greatest degree, as it would involve a further levying of taxes to reimburse the States that shall finally appear to have large balances due them.

Mr. FITZSIMONS said he was not understood. Adverting to the act for assuming the State debts, he observed that these balances were there recognised, and the creditors to whom these balances are due are to all intents and purposes creditors of the Union. Mr. FITZSIMONS said he had no idea of the result contemplated by the gentleman in respect to the extension of taxes. No possible difference, he conceived, could take place whether the balances were now assumed, or the ascertainment of them was made previous thereto; the operation would be precisely the same in both cases.

Mr. SEDGWICK replied to Mr. MADISON. He stated various reasons to show that his objection on the score of increased taxes had really no foundation. Mr. SEDGWICK entered into a short discussion of the subject, and stated the real situation of some of the States, to whose citizens large sums are due. He said he had no doubt the General Government would consider themselves bound to pay those demands; could he despair of the public faith in this respect, he should despair of the Commonwealth; for he should anticipate the most pernicious consequences to flow from the withholding that justice, which those States now looked to the General Government to obtain.

Mr. MERCER observed, that the honorable gentleman from Pennsylvania had brought forward his proposition in such a shape, as that it was difficult to determine what his object was; but he inferred from his explanations, unless he contradicted himself, that the real object was a further assumption of the State debts, and to effect the adoption of a question which was rejected the last session. Here Mr. M. entered into a consideration of the various principles which had been proposed as bases for settling and adjusting the accounts between the United States and individual States. He contended that the matter was not in such a state as to justify adopting the principle of the resolution. He adverted to the approaching dissolution of the present Congress. He remarked on the difference of the exertions which had been made by the several States; he inferred that there must necessarily be both debtor and creditor States, and hence deduced various considerations which should influence a postponement of this subject.

Mr. GERRY recurred to the Funding Act, to show that debtor and creditor States were therein

recognised; with respect to the principles on which the accounts are to be settled, that matter rests with the Commissioners, whose decision by a law of the Government is to be final; but this he conceived had nothing to do with the present proposition. He noticed several other objections offered by Mr. MERCER, which he thought appeared to be brought forward merely to embarrass the subject. He observed that the present proposition was totally different from that agitated last session; that now offered is reasonable; is founded on equal principles; and its effect will not be to increase the creditors of the Union, nor induce a necessity for one farthing of taxation, which will not be wanted after the accounts are adjusted and the balances known. He hoped, therefore, that the proposition would be agreed to.

Mr. B. BOURNE supported the resolution, as being free from the objections urged to those offered the last session. He noticed the remarks which had been made on the resources in lands of the States to whom the balances are supposed to be due; Massachusetts, Rhode Island, and South Carolina are the States the most interested in the matter; those States have no lands. With respect to exertions in the common cause, it will not be pretended that those States have not made as great as any in the Union. The present proposition involves this simple inquiry, whether the United States shall pay the States as States, or whether they will pay the individual creditors? Justice required, in his opinion, that the latter ought to be paid; for their demands are recognised by a law of the Union, and they are, to all intents and purposes, creditors of the Union as fully as any description of creditors whatever.

Mr. CLARK said, when the resolutions were first proposed, he thought no objection would be made to them; but he had heard something which had alarmed him, and that was what fell from the gentleman from Pennsylvania, that there would be no debtor States; this, he said, alarmed him, as it appeared to convey an idea of the Commissioners for settling the accounts having adopted the principle; this he conceived they were not authorized to do. He further observed, that he did not think with those who supposed that the decisions of the Commissioners were not to be revised; he was pretty sure they would be revised, if they adopted any such principle as this, which he considered as involving great injustice.

Mr. FITZSIMONS rose to explain; he said he was misunderstood; he had not said there would be no debtor States. Different principles of settling the accounts have been mentioned, but he had not said whether the Commissioners would settle the accounts on the principle of debtor and creditor States, or make them all debtor or all creditor States. He had only given his *opinion* that there ought to be no debtor States. The question now before the Committee is, whether the United States shall pay the States in their corporate capacities, or pay the individual creditors. He conceived the gentleman was totally mistaken in his opinion respecting a revision of the judgment of the Commissioners; the law, he

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said, had put that entirely out of the power of the Legislature.

Mr. W. SMITH said, that he conceived the present proposition had nothing to do with the question respecting debtor or creditor States; it relates simply to a provision for the sums due to the individual creditors of the several States, who are really creditors of the United States. He noticed the objection from additional taxes; no difference, he contended, would result from the measure, the balances are to be provided for at all events. That the present was the best time to take up the subject, he observed, was well argued by the gentleman from Pennsylvania; in addition to which, he thought the allusion to the state of affairs on the Representation bill, by the gentleman from Maryland, was directly in point; the difficulties on account of the ratio were increased, when the result of the census was known; and this would be the case if this matter should be postponed to the time when the accounts are settled. He therefore contended that the present was the most proper time to make the provision contemplated. Mr. SMITH noticed, in order, the various objections which had been made by several gentlemen, and concluded that he trusted, from what he had said, it would appear that the proposition was entirely clear of those difficulties which had been urged against it.

Mr. LIVERMORE moved an amendment to the first resolution; the object of which was to exonerate those States who on a final adjustment of accounts shall appear to be debtor States.

Mr. GERRY offered some objections to this amendment.

Mr. AMES said that the amendment appeared to him irrelevant to the subject now under consideration; he hoped, therefore, the gentleman would be induced to withdraw it.

Mr. MADISON observed, that when the amendment was first brought forward he had supposed it merely sportive, but it now appears that the gentleman is serious in moving it. He thought it in this view a proposition that might well excite attention; for he conceived it an extraordinary idea to be advanced, that any of the States who should be found debtor States should be released from all obligations to pay.

Mr. SEDGWICK offered various observations on the subject generally; the tenor of which was this, that however it might appear on the final adjustment of accounts, that there were sundry debtor States, yet it was hardly practicable to devise a mode of compelling payment from such States; nor could he collect it to be the opinion of any gentleman that an idea of compulsion was entertained by any one.

Mr. LIVERMORE said his motion was not understood; he had no idea of exonerating the debtor States in the manner suggested by several of the gentlemen who had remarked on it; by the explanation he gave of his motion, it appeared that his object was the apportioning the general charge, and to exonerate the debtor States from any demand against them, on account of the credit they were entitled to as members of the Union, not to

release them from their full proportion of the average charge of prosecuting the war.

Mr. MERCER said he was more and more convinced that there was to be no debtor States; the proposition from the gentleman from New Hampshire says so; the resolutions originally moved speak the same language; the report of the Secretary of the Treasury is founded on the same principle. The meaning of all which is, burn the books.

Mr. CLARK moved that the Commissioners for settling the accounts should be instructed to report a statement of all the debts and credits of the several States. He reprobated the idea of making all creditor States, as he conceived the consequence would be a great increase of the balances to be provided for by the United States.

Mr. WILLIAMSON observed that he could not agree to the propositions, for reasons which he would give. In the law for settling the accounts of the several States, it is provided that the States who shall have balances placed to their credit on the books of the Treasury shall, within twelve months after the same, be entitled to have them funded. Such are the words of the law; but we are now requested to do the thing by anticipation which, according to the law, was to be done afterwards. Is there any consistency—is there any principle in such conduct? Whence this haste, this speed of funding? Have gentlemen such a pleasure in building up the ponderous structure of a national debt that no part of the work can remain for their successors? He hoped that a Representative from North Carolina might be allowed to complain of this unnecessary, unkind, he prayed it might not be fatal speed. North Carolina, at present, is not fairly represented. It is known that, instead of five members, she will have ten in the next Congress. The States in general are to have no such increase. Is it fair to anticipate measures contrary to the intent and promise of your law, as if you wished to tax our citizens before they can be properly represented? It is well known that much offence has been given to many good citizens by the Funding Act. It has been charged to motives which are very improper, considering the regard which is due to public opinion. He thought they were bound in honor to postpone rather than to anticipate the assumption of more paper. If gentlemen, however, could not trust this delectable business in the hands of a future Congress; if they could not trust their own States with the payment of a small debt; if they wished to render the National Government still more unpopular by giving it exclusively the iron hand of taxation, he hoped they would not make themselves accessaries to the most abandoned junto that ever disgraced society. If the propositions before the Committee should pass into a law, the State of North Carolina would be charged with something more than half a million of dollars, interest included, for certificates that were confessedly issued by the force of bribery and corruption. They were not founded on the shadow of service, and are prohibited by the laws of the State. The most sleepy sot in

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life would resent such conduct. They would suspect that such paper must have had some undue influence. He was confident that the propositions imported more than had been intended.

He wished that left-handed favors of this sort could be more equally divided. It was hard that North Carolina should be distinguished by her sufferings. In the settlement of her accounts he thought it was probable that she would lose near two millions of dollars by the manner in which her accounts were to be adjusted. He supposed that a rule by which a good horse put into the service does not bring the State more than half a dollar could not be a good rule. This must be a loss, first, to the citizens, afterwards to the State, which is nearly the same thing. There is another sum of about a million of dollars, which the citizens of that State seem to be in a fair way of losing by the measures of Government. They have received nothing for their certificates, and they are not permitted to fund them. Oblige the citizens of North Carolina, after all those losses or oppressions, to pay half a million that they do not owe, and you will at least deserve the title of hardy politicians. He said that he should offer no amendments to the propositions, because, in his opinion, they were improper in every part.

The question was then adjourned till the next day.

FRIDAY, January 11.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of a supplementary statement of loans, made in behalf of the United States, pursuant to the resolution of the 27th ultimo; which were read, and ordered to lie on the table.

Resolved, That the Attorney General be directed to report, at the next session of Congress, a table of costs and fees for the Courts of the United States.

The House again resolved itself into a Committee of the Whole House on the motion of the 12th ultimo, for opening a Loan, to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States; and, after some time spent therein, the Chairman reported that the Committee had again had the said motion under consideration, and made no amendment thereto.

SATURDAY, January 12.

The House proceeded to the consideration of the motion, made on the 12th ultimo, for opening a Loan to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States, which was reported from the Committee of the Whole House, yesterday, without amendment. Whereupon, a motion being made and seconded to amend the first resolution, contained in the said motion, by adding, to the end thereof, the following proviso, to wit:

“Provided, That no such loan shall be opened in any State, without the assent of the Legislature thereof, by an act approving the measure.”

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It was resolved in the affirmative—yeas 38, nays 23, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Aaron Kitchell, John Wilkes Kittera, John Laurance, Amasa Learned, John Leonard, Samuel Livermore, James Madison, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Richard Bland Lee, Nathaniel Macon, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Alexander D. Orr, Josiah Parker, Cornelius C. Schoonmaker, John Steele, Thomas Tredwell, Hugh Williamson, and Francis Willis.

And then the main question being put, that the House do agree to the said first resolution, amended to read as follows:

“Resolved, That a loan, to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States, be opened at the Loan Offices in the respective States, to commence within — months after the said balances shall be reported at the Treasury, and to continue open for the term of — months from the time of its commencement: *Provided*, That no such loan shall be opened in any State without the assent of the Legislature thereof, by an act approving the measure.”

It was resolved in the affirmative—yeas 34, nays 28, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

The second, third, and fourth resolutions, contained in the said motion, were also again read; and, on the question severally put thereon, agreed to by the House, as follows:

“Resolved, That the sums to be subscribed to such loans, be payable in the principal or interest

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of the certificates or notes issued by any of the said States, as, upon the final settlement of accounts, shall have a balance due to them from the United States, and which shall have been liquidated to specie value, prior to the — day of — last.

Resolved, That every subscriber to the said loans shall be entitled to certificates, according to the sum subscribed, of the like tenor and description, in the like proportions, and upon the like terms, as are specified and directed by the fifteenth and sixteenth sections of the act, entitled 'An act making provision for the Debt of the United States,' except that interest on such of the certificates subscribed to the said loan, as bear interest, shall be computed to the last day of the year one thousand seven hundred and ninety-three, inclusively, and that interest shall not begin to accrue upon any of the certificates which shall be issued in lieu thereof, till the first day of January, one thousand seven hundred and ninety-four.

Resolved, That in all cases where the sum subscribed in the evidences of the debt of any State, shall exceed the balance due to such State, the same shall be reduced (in equal proportions) to the sum actually due to such State."

Ordered, That a bill or bills be brought in, pursuant to the said resolutions, and that Mr. FITZSIMONS, Mr. SEDGWICK, and Mr. WILLIAM SMITH, do prepare and bring in the same.

MONDAY, January 14.

A memorial of the officers of the late Delaware line of the Continental Army, in behalf of themselves and the soldiers of the said line, was presented to the House and read, praying that the depreciation which accrued on the certificates of debts granted them for military services rendered during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom are referred the memorials of the late officers and soldiers of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, and Maryland.

The House proceeded to the consideration of the amendment, reported on Thursday last, by the Committee of the Whole House, to the bill relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted; and the said amendment being twice read, was, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The House resumed the consideration of the amendments reported, on the 27th ultimo, by the Committee of the Whole House, to the bill to regulate trade and intercourse with the Indian tribes; and the same being read, were agreed to.

Ordered, That the said bill, with the amendments, do lie on the table.

PAY OF THE LATE ARMY.

Mr. BOUDINOT moved for the order of the day on the Bankrupt law. The importance of this subject to the general interest, and that of a number of individuals in several of the States, who, by reason of the State Governments being precluded from passing bankrupt laws, are in a very distressed situation, was urged by several of the members. It was further observed, that it had long been before Congress; and if it was not taken up at the present session, it was very problematical whether it would be completed at the next session.

In opposition to the motion, it was observed, that though the subject has been a long time on the carpet, yet it had not been reduced to any specific form till very lately. That the bill had been laid before the public for the express purpose of collecting the general sense of the people on the subject. Sufficient time has not elapsed for this purpose, and therefore it was not possible for the Legislature to proceed in the matter, aided by the general sense of their constituents relative thereto.

The motion was at length withdrawn; and, on motion of Mr. GERRY, the House resolved itself into a Committee of the Whole, (Mr. DAYTON in the Chair,) and took into consideration the memorials of the officers of the several lines of the late Army, on the subject of a deficiency of their pay. The several memorials were, from New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, and Maryland lines. The New Hampshire and Pennsylvania memorials being read—

Mr. GERRY said, in order to bring the subject before the Committee, he should move the following resolution, viz:

Resolved, As the opinion of this committee, that the contract between Congress and part of the officers and soldiers of the armies raised for the establishment of the Independence of the United States, has not been fulfilled on the part of Congress."

This motion was seconded by Mr. PARKER.

Mr. GERRY accompanied his motion by several observations, in which he showed that a depreciated medium could never be considered as an equivalent for services and supplies which were contracted to be paid for in specie.

Several members objected to the indefiniteness of this resolution. They suggested the propriety of the mover's bringing forward a sketch of the plan for which he intended the resolution as a basis.

Mr. MADISON suggested a variation of the proposition, to the simple question on the propriety of granting the prayer of the petitions.

After several observations from other members, and the Chairman had remarked that the resolution of Mr. GERRY was not in order, as referring to a part of the officers, whereas the memorials made no distinction,

Mr. CLARK moved, in order to take the sense of the Committee, the following:

Resolved, As the opinion of this committee, that the prayer of the petitions of officers of several lines of the

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late American army cannot be granted, and that the petitioners have leave to withdraw their petitions."

Mr. SEDGWICK observed, that he did not rise to express an opinion as to any vote which he might ultimately give on the subject now before the Committee. It was undoubtedly an important subject; important, as it respects the character of the applicants, and as it involved a consideration of the services which had been rendered by them. No man had a more respectful opinion than he entertained of the honorable patriotism of those brave and meritorious citizens who had ventured their lives in defence of their country. No man would more regret than himself, that those services should remain unremunerated. Thus feeling, he should be sorry if the motion of the gentleman from New Jersey should preclude a discussion of the various questions which might otherwise arise in the contemplation of this subject.

He said he knew several gentlemen who believed that it was impracticable to grant the prayer of the memorials, without producing evils, so many and so great, as infinitely more than to counterbalance the benefits intended. That it would be a criminating reflection on gentlemen who, with so much warmth of declamation, had espoused the cause of the applicants, to suppose that they foresaw those evils and were not prepared to guard against them. It would be indirectly charging upon them as the motive of their conduct, to give an approving countenance to an impracticable object, an intention of acquiring popularity at the expense of the reputation of the Government. This was a charge he had no disposition to make; he would therefore suppose the gentlemen had digested some scheme, in their opinion, of practicable compensation, which, by what they have said, they have pledged to bring forward to the consideration of the Committee; but they would be precluded from doing it, should the mover of the present question persist in having the fate of the memorials decided on his motion.

He said that, confident in the hope that the gentlemen would gratify the wishes of his friends, he would take the liberty of mentioning some of the embarrassing questions which the Committee must meet in the progress of this business.

The whole merit of the present application, in his opinion, rested on the supposition that by the terms of the Funding law the Government had made a saving to itself; or, to speak with more precision, to the debtor part of the community. In other words, that by the terms of the loan an adequate provision was not made for the public debt. This supposition is denied by many gentlemen, who did not hesitate expressly to declare that the provision is ample, and ought to be satisfactory. Others, he said, went further, and even insinuated that there existed a sympathetic sensibility between the majority of Congress and the public creditors, injurious to the great body of the people. This saving constituted that residuum of the original contract, which was the subject of the present demand. If, then, there was no saving there was no residuum, no subject of distribution. On this idea the application is to the generosity, not the justice, of Con-

gress. On this ground the memorials, he presumed, were not advocated by those gentlemen. Should it, however, be demonstrated that the contemplated saving had been made to the public, he asked whether this was the only description of creditors to whom injustice had been done? And would not the same arguments which should demonstrate their rights prove equally the title of every other original holder to further provision? Was there any discriminating principle by which it would appear that these men alone were entitled to redress for a violation of justice? These questions were important, and being obvious, they must have occurred to the gentlemen, who, it might reasonably be presumed, had come prepared, if not with satisfactory, at least with plausible answers.

He said, that among the evils which had been endured during our struggle for freedom and independence, was a lapse of public credit, by which there had been apportioned a severe tax on the citizens; and although this was not in exact proportion, yet it was generally more equal than probably any reapportionment would make it. It was said, at least by some, that by comparing the relative circumstances of the army before and since the war, with the community at large, it might be presumed that they had not contributed to this tax beyond their proportion. If, on the whole, the claim of the army could not be distinguished from that of the other original creditors, and if justice required the provision contended for, then it would follow, irresistibly, that an account was to be opened with each original creditor; that even if a distinction could be discovered which would authorize a difference between the army and every other description of creditors, it was, he said, further asked by gentlemen who believed the project to be impracticable, whether it was intended, by a further distinction, to separate the officers from the soldiers, to provide for the former and not for the latter? If one part of the dilemma was chosen, it would operate manifest injustice; if the other, the Government would open those sources of speculation which seemed to threaten to inundate the country with enormous evils. He said gentlemen who were disposed to afford a favorable countenance to the present applications had undoubtedly considered these effects, and had also considered the means of preventing those evils, and candor required that they should be indulged with an opportunity of exhibiting their system.

He said that it was further objected, that the proposed measure would materially alter the Funding system, a strict adherence to which was guaranteed to the public by an almost unanimous vote of both Houses.

He said the objections he had mentioned were among the most important of those which had occurred on this subject; that a discussion of them would open an extensive field of argument. He thought it would be of public utility that they should be discussed; he therefore again solicited the gentlemen from New Jersey to withdraw his motion, that an opportunity might be afforded to gentlemen to bring forward a digested system.

Mr. BOUNDNOT assured the Committee that he

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had determined not to trouble them on this subject, and he should have carried that determination into execution, did he not find that the question was likely to be taken in a manner not altogether pleasing to him. He had expected that the claims of the officers would have been fairly met, and if decided in the negative, those gentlemen would have gone away fully satisfied that their claims had received a fair and candid discussion. But he feared, from the arguments of gentlemen, that the idea that the United States had unjustly failed in performing the contract with the Army, would take place, and an ungrounded imputation of partiality (at least in the minds of the petitioners) would be left on the Government, when Mr. B. thought a fair statement of the matter would undoubtedly put a very different face on the whole subject. The officers of the Army had come forward as creditors of the United States in a decent and becoming manner, and presented their claims founded on former contracts, which they conceived had not been fulfilled, and therefore they called on Government to do what was right and just on the occasion. Congress were the independent representatives of the whole Union, to whom every citizen ought to have free access; and where every citizen was to be considered as equally entitled to an impartial hearing. If, on examination, it should appear that justice required a further compensation to the petitioners as a class of public creditors, when considered on a general scale, no man in the House would be more ready than himself to give his voice for such a measure. But if it should appear that the contract on the part of the public had been complied with, as far as distributive justice would permit, he wished the petitioners to be convinced of it, and that those losses they had met with, were such as had been equally borne by other creditors of the Union, and therefore a general burden, by which he hoped they would receive full satisfaction on this subject.

Mr. B., while he acknowledged the patriotism and virtue of the American Army, and subscribed fully to their eminent services and patient sufferings, he could not join in decrying the essential services and sufferings of the other public creditors of the United States, who, in the day of her distress, had administered their property to the support of that Army and the defence of the Union.

All public creditors who presented themselves in the day of distress to the relief of the Union, were equally entitled to the attention of Congress; but, as the officers in their memorials had applied in behalf of the army alone, he wished to consider their case, in the first instance, abstractly, without connecting it with any other class of creditors, and then compare it with others of their fellow-citizens.

He undertook, therefore, in the first place, to state the public conduct towards the Army from the beginning to the commencement of the present Government. He would then examine the conduct of the present Government; and lastly, supposing their claim just, inquire into the practicability of satisfying it.

The Committee were well acquainted with the rise and progress of the late war. At the first alarm the patriotic citizens of the Colonies flew to their arms and formed in the field, without terms or stipulations as to their services. In 1775, Congress turned their attention to the Army as the first great object, and having organized it, fixed the pay at the rate of fifty dollars for a Colonel, and twenty dollars for a Captain. In 1776, desirous of encouraging citizens who were so zealous in their country's service, they gave a bounty of twenty dollars to each private, amounting in the whole to upwards of two hundred thousand dollars, besides a promise of one hundred acres of land; and to the officers at the rate of five hundred acres to a Colonel, and the rest in proportion. In October of the same year, desirous of keeping up the zeal of the officers, they increased the pay in the proportion of seventy-five dollars to a Colonel, and forty dollars to a Captain, and gave a suit of clothes per annum to every private, or twenty dollars in cash. In December, 1777, Congress showed their desire of encouraging the service, by giving a month's extra pay to the Army. The officers, anxious for their future support after the war was over, expressed an earnest desire of having some provision of this sort anticipated, and Congress, in compliance with their desires, after a consideration of three months, or more, agreed, in May, 1778, to give each officer half-pay for seven years after the end of the war, on condition that they did not hold any office of profit under any individual State, and eighty dollars to each private. In November following they gave to each supernumerary officer one year's pay extraordinary, and increased the allowance for every retained ration to 2s. 6d. in money. The Army, not being satisfied with this provision, in August, 1779, a committee, appointed for the purpose, reported further provision of half-pay for life, without any condition in favor of those who should continue to the end of the war, and recommended to the States to provide for widows of officers and soldiers who should be killed in the service. Congress likewise increased the allowance of monthly subsistence for officers to five hundred dollars for a Colonel, a Captain two hundred dollars, and a private ten dollars; and, added to all this, Congress allowed the officers to receive from the public stores one hat, a watch-coat, body coat, four vests, four pair of breeches, four shirts, four stocks, six pair of stockings, and four pair of shoes, per annum, nearly at former prices; and the soldiers in proportion. The half-pay for life was adopted, to the great offence of individual States, who sent forward petitions against the measure as impolitic and unjust. The war continuing, the distresses of the country increased, which reduced the public credit so low, as to produce great uneasiness among all classes of public creditors, both in the Army and country.

The gentleman from Pennsylvania, [Mr. HARTLEY,] in his argument, represented (in Mr. B.'s opinion) his own feelings on the occasion, rather than a comparative view of the sufferings of the citizens at large; for it is not uncommon, when gentlemen are connected with a particular class

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of sufferers, to view what he sees and hears as an exclusive and peculiar evil, without considering what passes elsewhere. Thus, the soldier considers the sacrifice of the Army as the only intolerable burden; while the merchant, knowing his own losses best, considers others' complaints as trifling compared to his; and the farmer, who earns every farthing by the sweat of his brow, blames the Government for not giving him the first place in all their systems. Yet the fair conclusion is, that the burden has been generally nearly equal, and a common tax for the defence of our country. And although Mr. B. readily subscribed to the great sufferings and patriotic exertions of the Army, yet they should also give credit for the attention of their country to the utmost of her abilities. As the gentleman from Pennsylvania is best acquainted with the line of his own State, Mr. B. undertook to mention what was done by Pennsylvania for her own officers in addition to the allowance of Congress. During the war, stores were provided, from which they received a partial supply at the hard money prices. The depreciation of their pay was fully made up to them; at the sales of the confiscated estates their certificates were received as hard money; the same for lands in the land office; the interest of six per cent. was paid on their certificates for a number of years; an additional bounty of land was given to them, ready surveyed and free from expense; and when the Funding System took place, they had their three per cent. and deferred debt made good to six per cent. by additional certificates from the State, which were afterwards redeemed at about fifty and thirty-seven per cent. in hard money.

In August, 1782, a memorial from the State of Pennsylvania called loudly on Congress for fresh exertions towards the settlement of all accounts, and making provision for the paying off the public debt. It is supposed the Army took the hint, and in December following, a deputation of field officers, with a strong memorial on behalf of the Army, waited on Congress. The substance of their request was—first, some present pay; secondly, a settlement of their accounts and security for their balances; and thirdly, a commutation of their half-pay for life; as they found that the measure was odious to their fellow-citizens, and would prevent the happy intercourse they expected on their return to private life. The present pay and settlement of accounts were immediately provided for, and as to security for the balances, Congress resolved, "as to what relates to the providing of security for what shall be found due on such settlement, that the troops of the United States, in common with all the creditors of the same, have an undoubted right to expect such security, and that Congress will make every effort in their power to obtain from the respective States substantial funds adequate to the object," &c. As to the commutation, it was urged, on the part of the Army, that five or six years full pay was but a reasonable sum to make good their sufferings, not only on account of the deficiency of their pay, but also on other accounts; and that it would be more agreeable to their fellow-citizens, than that they

should be pensioners for life. Mr. B. mentioned this from his memory, which he said was confirmed by the Journals of Congress of February, 1783, when a resolution proposed was prefaced in this manner: "Whereas, in consequence of the faithful services of the officers of the Army of the United States, and of their great sufferings, not only on account of the deficiency of their pay, but on other accounts, Congress have, by divers resolutions, promised them half-pay," &c. The want of money having been raised as an objection against this measure, the officers contended that they expected nothing more than certificates for their balances, in the same manner as other creditors of the United States had received. Congress finally determined to grant their request; but to prevent the Army from alienating their certificates at an under rate, and thereby affecting the public credit, it was proposed that they should not be made transferable. As soon as the delegation from the Army were made acquainted with this, they spurned at the idea, and justly asked if they were not freemen; if the balances were not their own property; whether they had not the same right to dispose of their property as they pleased, with every other citizen? They therefore insisted to be put on a footing with every other creditor who had received certificates. The reasoning was too forcible to be answered with propriety; and therefore Congress, on the 22d of March, 1783, resolved, "that such officers, &c., shall be entitled to receive the amount of five years' full pay in money or securities on interest at six per cent. per annum, as Congress shall find most convenient, instead of the half-pay promised for life; the said securities to be such as shall be given to other creditors of the United States, provided it is at the option of the lines of the respective States to accept or refuse the same." "That, with regard to the retiring officers, the commutation, if accepted by them, shall be in lieu of whatever may be now due, as well as what might hereafter become due," &c. This commutation amounted to \$4,500 to a Colonel, and \$2,400 to a Captain.

Mr. B. alleged his privity to this arrangement, having been in Congress at the time, and of course one of the parties to the contract. He also observed very particularly on this measure originating with the Army, and especially the negotiable property of the certificates: that in this transaction all former demands were involved, and the express stipulation of the Army and the assent of Congress was, not to pay a specific sum in specie, but to give such securities for the balances as should be given to the other creditors of the United States. Here, then, was no difference between creditors; all were put on a footing; and every citizen who had made advances for the Government, or had fought her battles, were considered equally entitled to the attention of Government. From this time the demands of the Army put on the face of a settled debt, and requisitions were made to the different States for a fund on which to found a certainty of payment, at least of the interest, from year to year: all the States but one having made the necessary arrange-

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ments, the plan was frustrated; but many of the individual States made provision for, and did actually pay, the interest of six per cent. for several years. Notwithstanding these partial payments the public credit suffered much, and, among other causes, the great number of these negotiable securities brought to market was not the least. The distresses of some, the different objects of pursuit of others which required capital, the debts of others which called for payment as soon as the war was over, and the fears of others for the fate of the Government, all conspired to bring on a general bankruptcy. These securities fell from six shillings and eight pence to two shillings and six pence in the pound, and transfers were as common as any other merchandise. The public fears and the universal complaint of creditors finally brought about a change of the Government, and the new Constitution was formed, in which two material articles applied to all creditors: one, that the new Government was to be liable for the debts of the old; and another, that all contracts should be carried into effect agreeably to the terms of them. The old Congress had so far complied with their engagements as to give the securities required by the contract, and to apply to the individual States for the funds promised. The new Government, at the earnest request of her creditors, turned an early attention to the public debt. She found the contracts were with the original creditor, bearer, or assignee. The holder was equally a party to the contract, and demanded the whole debt, without regard to the sum paid for it to the original holder; on the other hand, many contended for the right of the first creditor as an equitable demand to the surplus, (or at least a part of it) after paying the principal and interest of the sum for which it was transferred. To this it was answered, that Congress could not consider themselves as a Court of Law or Equity to determine these claims; they were bound to A, B or bearer, or his assignee; the holder of the evidence of the public debt could alone, in law or equity, give a discharge of the debt; that it would be unconstitutional to destroy the contract of the parties, when made *bona fide*, and it was agreed that fraud could vitiate every contract for which the Courts of Justice were adequate: therefore it was, that all discrimination was refused; first, as a matter without the jurisdiction of Congress; secondly, as a matter unjust, on the principle of a fair contract made on a risk to be run; and, lastly, as impracticable in its very nature. In consequence of this, propositions were made to the holders of the public securities on the principles of the Funding System; the substance of which were, that as the Government in its infancy could not embrace a discharge of the debts, or, indeed, a payment of full interest, without risking the public credit as heretofore, and by this means again exposing the creditor to loss, it was therefore advisable to new-modify the debt, so that the creditor should give up three per cent. upon the interest, and two per cent. on the principal, for ten years, for which he should receive an equivalent in the following manner: It was a very rea-

sonable conjecture, in case the new Government succeeded and public credit was restored, that interest would fall in five years to five per cent., and in ten years to four per cent.; in which case Congress might, by new loans, at that rate of interest, pay off the whole national debt: but on the present plan, she would secure to the holder full four per cent. on the principal for ten years, and afterwards six per cent. for a certain number of years, on terms, with three per cent. on the interest let the common rate of interest be what it might. This was accepted by the creditor as a reasonable equivalent, and the debt was subscribed.

The event proved the truth of the supposition, and the value of the Funded Debt at one time rose to twenty-five shillings on the pound on six per cent., while loans have been made by the United States at from four to five per cent. Congress then gave a certainty of six per cent. for a number of years, on the terms of the loans for a partial reduction for ten years, and a less interest on the arrears of interest then due. This was certainly a full and generous equivalent; and the only advantage gained by the public was, a modification of the debt, by which the burden would be divided, and the increased number of citizens, during fourteen or fifteen years, would bear their proportion of the expense of a war in the benefit of which they so essentially participated. At the time of funding the public debt, the irredeemable quality was considered as a full equivalent and a compliance with the public faith. Mr. B. alleged that he was then a public creditor, and considered it in that point of light. He was a creditor that had a right to feel a loss as much as any man. He was a creditor of 1776, when the Army could not be sent to Canada without hard money. He was a creditor in 1777, when the prisoners were perishing for want of food and clothing, and the Government could not furnish a single suit, or a tolerable supply, for their extreme distress. He was a creditor of 1778, when, at the Valley Forge, the tracks of the soldiers were marked with blood for want of shoes, which he collected in different parts of the State by his own exertions, and at his own expense, without fee or reward, and was not repaid till 1779. He was a large creditor of 1779, when Congress sent to all parts of the Union earnestly calling on the friends of their country to come forward with loans for the public exigencies; and he was a creditor as an officer of the Army, in which he had served. Under this view of the subject, Mr. B. acknowledged that he had entertained great jealousies lest some other end was aimed at by the present resolution than the ostensible one; this was raised when he heard gentlemen found the success of the resolution on the savings made by the Funding System, when those gentlemen had for years past been continually representing that system as founded on an extravagant waste of public treasure; that the irredeemability of the debt was a tax on the Government which ought never to have been admitted, as moneys might have been loaned at four per cent., and by that means one-third of the debt

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saved to the Union. What ideas, then, must we form of a resolution calculated to raise the hopes of the memorialists, which, in the end, would certainly turn out a mere shadow, and worse than a shadow? This, really, was trifling with the complaints of our fellow-citizens. There had been no savings. The creditors who had possession of the public contracts had received a full equivalent for their demand by their own free consent, at twenty shillings in the pound. Where, then, was room for a demand on the Government for any saving? If there was a foundation for a claim, it must be against the possessors of the certificates; but however just it might be, it was merely illusory to form the resolution on principles that had no existence.

The losses sustained by the line of the Army were not peculiar to them as creditors of the United States. All classes of citizens who had generously advanced their money for the support of this very Army in food, clothing, arms, and ammunition, as well as that of the Government itself at home and abroad, had been equal sufferers, without the emolument which the Army had received, in the most distressing times of the war. The Army had been a refuge for many gentlemen driven from their homes, while other citizens were obliged to wander for a considerable time without employ or relief. He extended his observations to other citizens who had suffered during the war, and particularly mentioned the sufferers at Falmouth, Charlestown, New York, Norfolk, Yorktown, and South Carolina, as those who were of the first class in the United States; as also the aged, the widows, and the orphan creditors, who had suffered without receiving any advantage whatever from the public bounty.

Mr. B. then proceeded to consider the practicability of the measure, supposing its equality and justice to be fairly established. As the application was now founded on the savings on each man's individual certificate, the principle equally reached every public creditor. Suppose, then, A, B, C, D, and E, received their certificates together: A sold his at six shillings and eight pence in the pound to raise a capital to purchase public lands, which, at one time in this city, sold at six pence per acre; B sold his certificate at two shillings and six pence in the pound, to save a wife and children from starving; C sold his to raise a capital to go into the speculating line; D sold on one day from necessity, but replaced it the next day, and kept it till the Funding System took place, and then sold at twenty shillings in the pound; while E having confidence in the Government, and not being under a necessity of selling, funded it under the present system. How could a discrimination take place here? or would it be fair equally to remunerate all these original holders? But suppose some had sold at twenty shillings, and also had received all the emoluments of the Pennsylvania line; where would be the distributive justice of the measure now proposed? If you extend this doctrine to the public creditors at large, it will appear in a strong point of light. It is well known that the common practice of the Government during the war, was,

to issue certificates in fictitious names—the names of clerks in office, of heads of departments, or other persons—merely to make them answer the purpose of a paper currency: as they were payable to bearer, the name was never thought to be material. The person doing the service or lending his money received these certificates, and was really the original holder, yet the face of the certificate spoke a different language. In this case a discrimination would be impossible; and much the largest part of the public debt was contracted in this way, after the war was over. Many debts had been paid by merchants and others to their foreign creditors and others, in certificates at their nominal value; and, in other cases, individuals had failed, and the loss had wholly fallen on their creditors. Mr. B. earnestly contended that the expense of a discrimination would exceed the revenues of the United States. The nature of transferable stock, which is designed to operate as current money, forbids the idea of a discrimination, and all public credit must necessarily fail if such a doctrine was to prevail in the finances of the Union. This was a very serious and important idea, worthy the attention of the applicants, who certainly were interested in the public weal. The right of freemen to dispose of their own property as they please, was involved in the question: for if the Government was to make up every loss on a transfer, then it ought not to be made without their consent. Mr. B. hoped he would not be understood to deny either the services or the sufferings of the Army; but he alleged the promised recompense was given, which had been transferred with all the legal and equitable right to the holder, who had received from Government the full value, and therefore no further demand either in law or equity remained against the Government. The negotiable quality was a principle in the securities insisted on by the Army, and which they had used as they chose, for different purposes, and from different views. He acknowledged that the generosity, benevolence, and humanity of Congress, had been addressed: to this he answered, that they were but stewards of the people's property, for which they were answerable; that they were not sent here to show their generosity; it was to do justice; and that not to one class, but to every description of citizens. He knew of but one rule for every citizen of the United States. They were all equally represented in that House; but at all events it became them to be just before they were generous.

Mr. B. assured the House that he had taken up so much of their time, because he found that no one had come forward fairly to meet the question, and he had too great a regard for the memorialists to wish them to go away under the idea that anything had been refused to them which ought in propriety to have been done. At any rate, he had candidly and above-board given the reasons of his vote on this important occasion, which would be against the question proposed by the gentlemen from Virginia.

The Committee now rose, without taking any question.

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TUESDAY, January 15.

An engrossed bill relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted, was read the third time and passed.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States; which was read twice and committed.

On a motion made and seconded,

"That a committee be appointed to prepare and bring in a bill for placing on the pension list all such officers and privates of the Militia as have been or shall be wounded or disabled in the service of the United States, and not provided for by law."

Ordered, That the said motion be referred to the consideration of a Committee of the Whole House on Thursday next.

On a motion made and seconded,

"That the memorial and petition of sundry merchants of the city of Charleston, in the State of South Carolina, engaged in commerce previous to the late Revolution, which was presented to this House at the last session, stating the particular hardships under which they labor, from the twofold causes of the operation of the fourth article of the definitive Treaty of Peace, and of so much of the act of Congress for funding the public debt, as redeems the old Continental money, at the rate of one hundred dollars thereof for one dollar specie; the former requiring them to pay their British debts in sterling money, with full interest to the present time; and the latter depriving them of all hope of indemnity from the effects of depreciation and tender laws, to which they were exposed during the war, and praying relief:" be referred to the consideration of the Committee of the Whole House to whom are referred the memorials of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, and Maryland.

This motion occasioned a debate; those who opposed it, contended that it was a distinct and different case from that of the officers; that it involved a very different investigation and could not therefore be connected with it; and that it appeared to be designed to embarrass and perplex the application of the officers.

In support of the motion, a variety of reasons were adduced to show that the cases were parallel, and that there was no propriety in making a distinction between different classes of citizens in their application for relief in similar cases. After considerable debate,

The previous question being called for by five members, to wit: "Shall the main question, to agree to the said motion, be now put?"

It was resolved in the affirmative—yeas 30, nays 24, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Daniel Heister, Aaron Kitchell, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett,

Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Alexander White, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, Jonathan Dayton, William B. Giles, Andrew Gregg, William Barry Grove, Thomas Hartley, James Hillhouse, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, Peter Sylvester, Thomas Tredwell, Abraham Venable, Artemas Ward, and Francis Willis.

And then the main question being put, that the House do agree to the said motion, it passed in the negative—yeas 24, nays 30, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Aaron Kitchell, Amasa Learned, George Leonard, Samuel Livermore, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, Jonathan Dayton, William B. Giles, Christopher Greenup, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Theodore Sedgwick, Peter Sylvester, John Steele, Thomas Tredwell, Abraham Venable, Artemas Ward, Hugh Williamson, and Francis Willis.

PAY OF THE LATE ARMY.

The petitions of the officers of the late Army being under consideration in Committee of the Whole, the following motion was made by Mr. GERRY, viz:

"Resolved, As the opinion of this Committee, that provision be made for such officers, non-commissioned officers, and soldiers of the late Army of the United States, who received certificates for the balances due to them on a final settlement of their respective accounts: Provided, That such provision shall not exceed the difference between the nominal amount of the said certificates and the real amount, estimated at the present rates in the market, of the certificates which are or may be issued for those first mentioned, pursuant to an act making provision for the Debt of the United States."

Mr. CLARK moved an amendment, which was to insert in the first clause after the word "for," all persons who have received liquidated certificates for services rendered or supplies furnished during the late war; and, on this motion to amend, Mr. HARTLEY made the following observations:

Mr. H. wished that a question upon the prayer of the petitions might be fairly taken, without any embarrassment or connexion with another subject. Let us, he said, consider and discuss the claims of the officers and soldiers of the late Army, and either grant them, or dismiss their petitions with decency. The gentleman from New Jersey

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yesterday came forward with a resolution, expressing that the prayer of the petitioners could not be granted. If this was consistent with his opinion, it was candid; he appeared openly to avow his sentiments. I cannot say quite so much in his favor to-day for withdrawing his motion. Indeed, the motion presented by the gentleman from Massachusetts comes forward in so questionable a shape, that I am at a loss to know who are friends or enemies to the objects of the petitioners. To adopt the proposed amendment, I consider as death to the motion on the table; it embraces too much; it contemplates what the abilities of this country are not competent to. I hope it will not be agreed to. The officers and soldiers attempt to show that there is a distinction between their case and other citizens; besides, what have they to hope from the bounty and magnanimity of the nation? It may not be amiss for me here to mention, that I have never had a certificate, and that I am not personally interested in the question. I was an officer in part of the war, but have nothing to ask for here. I consider that the officers and soldiers have a claim of justice as well as equity, besides what they might expect from the magnanimity of the nation. I shall say but a few words on the sufferings and distress of the Army; they were great, and unexampled in the history of mankind. Those who are now present, and were either in the Cabinet or field, must know the force of my observation. I will not detail the scenes of misery exhibited during the war. To support the rights and liberties of the country, officers and soldiers freely entered into the service. In the year 1776, the officers had half-pay; in the year 1777, the pay was nominally increased, but unfortunately depreciation came on, and their actual compensation was less than the year before. I have a respect for a militiaman, but his case cannot be compared, in point of difficulties and danger, to that of the officer and soldier—the former occasionally called forth, the latter constantly at the post of danger and duty. There was certainly an inequality in their situations, which ought to have been compensated for to the soldier. The officer who was married, though he could meet the dangers of the field himself, yet could not view with fortitude the poverty and misfortune which threatened his family.

Congress had made no provision to grant half-pay to the officers (who should serve to the end of the war) until some time in the year 1778. Several officers who were well attached to the cause, owing to their necessities and the circumstances of their families, were obliged to resign. The Commander-in-Chief saw the evils which threatened his country and the Army; he stated them to Congress; some strong promises and appearances were absolutely necessary on the part of Government, or the Army would not be kept together. These were made in the most solemn manner. Many officers and soldiers were retained. Depreciation still continued. The soldier, hungry and forlorn, was obliged to take the paper that was offered him by the Government. This was not in general the case with the farmer; the latter

most commonly parted with his property voluntarily. One kind of paper followed another during the war; each depreciated; but still Congress, by repeated resolutions, (in order to induce the officers and soldiers to remain at their post,) engaged that they should be compensated at the end of the war. Certificates of different kinds were issued; and I believe Congress, and the whole American world, expected they were to be paid in specie as soon as there was sufficient ability in the Government. And I still think there is a difference between their claims and those of the other citizens. At the first session of Congress under the present Government, the House resolved that they would support the public credit; and strong expressions were used. This gave great confidence to the public; certificates were enhanced in value, and many of them had passed into the hands of strangers, under the faith of Government; so that, when the Funding bill passed, nothing could be done without the consent of the holders. I wished exceedingly for an opportunity to give my aid in favor of the officers and soldiers who had served to the end of the war. It was a voluntary act in the holder to fund his debt at about four per cent., and it appears there is a considerable saving to Government out of the earnings of the officer and soldier, and which may fairly and honorably be granted to them. I mean to reach this. Those who concur with me in sentiment, ought to be against the amendment now under consideration, and assist to alter the motion so as to embrace the objects we have in view.

The Committee rose without coming to any conclusion.

WEDNESDAY, January 16.

The House again resolved itself into a Committee of the Whole House on the memorials of the late officers and soldiers of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, and Maryland; and, after some time spent therein, the Chairman reported that the Committee had again had the said memorials under consideration, and come to a resolution thereupon; which being amended to read as follows:

Resolved, That it is the opinion of this Committee that the prayer of the memorials of the officers and soldiers of several of the lines of the late Army of the United States, ought not to be granted.

The question was taken, that the House do agree to the said resolution, and it was resolved in the affirmative—yeas 43, nays 10, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, John Wilkes Kittera, John Lorraine, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livermore, Nathaniel Macon, Andrew Moore, Frederick Augustus Muhlenberg, Alexander D.

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Orr, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Alexander White, and Hugh Williamson.

NAVS.—John Baptist Ashe, Abraham Baldwin, Elbridge Gerry, William B. Giles, Christopher Greenup, Thomas Hartley, James Madison, John Francis Mercer, John Page, and Thomas Tredwell.

Ordered, That Mr. GROVE be added to the committee appointed the 14th of November last, to take into consideration that part of the PRESIDENT'S Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session, for the regulation of the Post Office, in the room of Mr. STEBLE, excused from serving thereon.

Ordered, That Mr. MENCER be added to the committee to whom was recommitted the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair.

THURSDAY, January 17.

The House resolved itself into a Committee of the Whole House on the bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was read twice, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to continue in force, for a limited time, and to amend the act, entitled "An act providing the means of intercourse between the United States and foreign nations:"

INDIAN TRADE.

The House resumed the consideration of the bill to regulate trade and intercourse with the Indian tribes, which lay on the table;—when

Mr. MADISON'S amendment came up for consideration, viz: to strike out the eighth section, which provided that no sale of land made by any tribe of Indians shall be valid to any person or State, whether such State may have the right of pre-emption or not, unless the same be made and executed at some public treaty held for that purpose, under the authority of the United States: And in lieu thereof, to insert a new section, declaring that no person shall be capable of acquiring any title to any lands beyond the Indian boundaries, and within those of the United States, by purchase, gift, or otherwise, from the Indians claiming the same; and that it shall be a misdemeanor in any person, punishable by fine and imprisonment, at the discretion of a jury, to obtain, accept, or treat, for any title to such lands. And when any Indians shall desire, of their own ac-

cord, to sell any part of their lands, and it shall be deemed for the interest of the United States that a purchase shall be made, the same shall be done no otherwise than by a treaty to be entered into pursuant to the Constitution; the lands so purchased to enure to the use of whoever may have the right of pre-emption thereto, and who shall pay the price thereof.

Mr. MADISON observed, that misunderstandings, quarrels, and wars with the Indians, had originated from the circumstance of persons having obtained, through fraud, or other improper means, possession of lands belonging to the Indians. This consideration rendered it highly important that this whole business should be under the absolute and sole direction of the public authority, in order to guard effectually against the fatal consequences which may result to the public by being precipitated into a war, through the arts of unprincipled persons, who, while the public are made to sustain great calamities, often find means to extricate themselves from bearing their proportion of its inconveniences and expenses.

Mr. LIVERMORE moved, that the words "at the discretion of a jury;" "and it shall be deemed for the interest of the United States that a purchase shall be made," be struck out.

Mr. BARNWELL objected to the amendment. He thought the original section as comprehensive as the other; that it was better worded, and liable to fewer exceptions; for though the latter is longer, yet, sales made pursuant to treaties held under an authority not expressly pointed out, would be liable to cavil and revision; and the persons holding a treaty for the purpose of making purchases, are exposed to a penalty.

Mr. GILES preferred the substitute, because it provided a penalty for improper purchases.

Mr. FITZSIMONS proposed to retain the original section, and to amend it, by inserting after the word sale, *or gift*;" and to add the penalty contained in the substitute.

The original section was struck out, and the new section was amended as proposed; and the bill and amendment were ordered to be engrossed and read a third time to-morrow.

FRIDAY, January 18.

An engrossed bill to continue in force, for a limited time, and to amend the act, entitled "An act providing the means of intercourse between the United States and foreign nations," was read the third time, and passed.

An engrossed bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina was read the third time, and passed.

An engrossed bill to regulate trade and intercourse with the Indian tribes was read the third time, and passed.

JOHN TUCKER.

The House resolved itself into a Committee of the Whole House on the bill to compensate John Tucker.

Mr. SEDGWICK moved to fill the blank with five

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hundred and nine dollars. Mr. Tucker's petition stated that his actual expenses in attending on the Court five different times amounted to three hundred dollars, and that he paid nine dollars for a seal for the Circuit Court of Rhode Island.

The motion was opposed. It was said that it would establish a dangerous precedent for the Government to pay the voluntary expenses of an applicant for an appointment under the United States; and that in the present case the actual services only ought to be compensated according to the provision made by a subsequent law. In reply it was said, that it was taken for granted Mr. Tucker had applied for the appointment, but no evidence of this is adduced; several circumstances were mentioned to show that the contrary was the fact, and that he was called to discharge the duties of the office. The question is, whether he ought not to have his necessary expenses, incurred in attending the courts reimbursed?

The motion for five hundred and nine dollars was superceded by a motion for three hundred and nine dollars, which was agreed to. The Committee rose and reported the bill with this amendment; which was adopted by the House, and the bill ordered to be engrossed for a third reading.

On a motion made and seconded,

"That a committee be appointed to bring in a bill to make provision of half-pay for seven years, to the widows and orphans of such officers of the Army of the United States as have been killed in the service, since the third day of June, in the year of our Lord one thousand seven hundred and eighty-four, or who may hereafter be killed in the service of the United States."

Ordered, That the said motion be referred to the consideration of a Committee of the Whole House on Wednesday next.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of the Treasury on the petition of Joseph Henderson; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and directed him to report to the House their disagreement to the same.

The House proceeded to consider the said report; and, on the question that the House do agree with the Committee of the Whole in their disagreement to the same, it passed in the negative.

And then the said report being amended at the Clerk's table to read as follows:

"*Resolved,* That there be allowed to Joseph Henderson a yearly salary of one hundred dollars, for his services as Paymaster to the Navy Board for the Eastern Department, from the tenth day of August, one thousand seven hundred and seventy-eight, to the tenth day of August, one thousand seven hundred and eighty-two, being four years; and that the officers of the Treasury be authorized to pass the same to his credit, and to settle his account accordingly."

It was, on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. AMES, Mr. BENJAMIN BOURNE, and Mr. CLARK, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," in which they desire the concurrence of this House.

MONDAY, January 21.

An engrossed bill to compensate John Tucker was read the third time, and ordered to be recommitted to a Committee of the Whole House tomorrow.

Mr. WILLIAMSON, from the committee appointed, presented a bill for the relief of sick and infirm seamen; which was read twice, and committed.

The bill sent from the Senate, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," was read twice, and committed.

BALANCES DUE CERTAIN STATES.

Mr. FITZSIMONS, from the committee to whom was recommitteed the bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States, reported an amendatory bill; which was received, read twice, and ordered to be committed to a Committee of the Whole House immediately.

The House, accordingly, resolved itself into the said Committee; when

Mr. GILLES moved that the proviso in the second section of the bill should be struck out, respecting the assent of the individual States to the new Loan, as it does not agree with the idea precisely, contained in the resolutions on which the bill was founded; and, adverting to the provision contained in the Funding Law respecting these balances, he observed, that the bill now reported interfered with the disposition of the balances, whereas that law has vested the disposition of them exclusively in the several States.

Mr. FITZSIMONS said, that there was a variation in the proviso in the bill, from that in the original resolutions, which had accidentally taken place. He said, that the variation was certainly not in order, and he therefore moved that the proviso in the bill should be amended so as to conform to the resolutions.

Mr. SEDGWICK remarked, that the gentleman last speaking was undoubtedly right in respect to the point of order, but he did not draw the same conclusion. The proviso in the bill may vary from that in the resolutions; but if it more completely comports with the ideas of a majority of the Committee, he saw no good reason for not adopting it. He added some observations on the remarks of Mr. GILLES, which he considered as making it a question, whether the Government should literally comply with its engagements or not? This, he hoped, would never be made a sub-

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ject of debate in the Legislature of the United States.

Mr. FITZSIMONS said, he hoped the amendment which he suggested, would take place.

Mr. CLARK observed, that he thought the bill was altogether wrong; he moved, therefore, that it should be recommitted. Mr. C. entered into a general consideration of the subject.

Mr. LAURANCE was in favor of the Committee's rising. He cited an instance in point, which occurred the last session. A select committee on the census had exceeded the limits of the principles agreed to in the Committee of the Whole; the bill they reported was accordingly recommitted; the House would not then consent to altering the bill in the House, as it would sanction a deviation from established principles.

Mr. MURRAY was opposed to the Committee's rising; he saw no occasion for it; the variation is merely verbal, and can be easily corrected.

The question for the Committee's rising was put, and agreed to. They accordingly rose, and reported progress. On motion, the Committee of the Whole was discharged. The bill was then recommitted to the select committee which reported it. The requisite alteration being made, the bill, as amended, was reported to the House twice read, and referred to a Committee of the Whole.

The Committee proceeded in the discussion of the bill.

Mr. MERCER, after stating that various unfriendly remarks were made on the Government, and on particular members, in consequence of the former assumption, and informing the Committee that there was a large sum of the paper money of a particular State in this town, which was selling at ten shillings in the pound, observed that this bill would appreciate the value of that paper perhaps to 20s. in the pound. In order, therefore, to give the fullest information to the people of the United States, and to prevent those at seven or eight hundred miles distance from being defrauded, he moved an amendment, the object of which was to prevent certificates which have been transferred within a certain period from being subscribed to the loan.

Mr. FITZSIMONS said, as he had brought forward the resolutions on which the bill was founded, he thought it incumbent on him to notice the observations advanced by the gentleman in support of his motion. He remarked, that with respect to the general sentiment of the people, perhaps he knew as little about it as others; but this he knew, that if unfavorable impressions had not been made, it was not because attempts had been wanting for that purpose on the part of individuals within these walls. With respect to himself he felt no solicitude; but if any member of this House knew of any facts of the kind alluded to by the gentleman, let the person who knows of such things boldly come forward and charge openly the guilty; with respect to the present motion, he would have no objections to it, provided it did not interfere with the general provisions of the bill.

Mr. BOURNE said, he should be in favor of the

motion, provided it was practicable; but he did not see how it could be carried into execution.

Mr. WILLIAMSON supported the motion. He said it met his approbation so far as it would conduce to protecting the original holders of the State debts from such speculations as they suffered at the time of the former assumption.

Mr. SEDGWICK remarked on the rapid rise of the value of the paper, in consequence of the former assumption, and said, that, considering what human nature was constituted of, the speculations alluded to, and which he had lamented as much as any man whatever, were to have been expected. He then adverted particularly to the remarks of Mr. MERCER, in which he had said he had his suspicions even of the members of the House. Mr. SEDGWICK said, the ears of members had been often assailed by insinuations and suspicions of the base conduct of individuals in this House, as speculating in their own measures. If, said Mr. SEDGWICK, there is so base and infamous a character within these walls; if there is one member of this House who has been guilty of this abominable conduct, of plundering his constituents of their property, in the manner represented, let his name be mentioned, let the man be pointed out. From the part he had taken in this matter from the beginning, and from the suggestions which had been circulated, he had some reason to suppose it might be intended to implicate him in the charge. He could not help feeling himself called upon to notice such indiscriminate insinuations, such attempts to affix a stigma on particular characters; men whose reputation is their dearest possession. Mr. SEDGWICK then offered several objections to the motion; he remarked that its tendency would be to keep open the door of speculation.

Mr. MERCER replied to Mr. SEDGWICK; he observed, that his remarks were directed to human nature at large; he considered it as a point not to be controverted that temptation, in proportion to its extensive and flattering prospects, would always have an influence; for himself, he could never wish to have his own honor and integrity put to the test. He subscribed to the sentiments of Mr. SEDGWICK, respecting the sacred nature of reputation, and repeated the lines from Shakspeare:

"He that robs me of my good name," &c.

Mr. WHITE said he disapproved of the principle on which the amendment was brought forward. He believed the aspersions on the members of Congress were totally unfounded. He did not doubt but speculations had been carried on to a very great extent, during the dependence of the Funding Act; but this could not be avoided; men would venture according to their opinion of the final event of the measure, and prices would consequently fluctuate. When the proposition for discrimination was brought forward, the price of paper fell: when it was rejected the price rose again. It was probably the same with regard to the State Debts, in the various stages of the subject; but surely no suspicion of improper conduct could fall on those who voted uniformly either for or against the measure. Indeed the above has generally fallen on those who opposed the assump-

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tion in the extent first proposed, and voted for it as finally modified. These were but five in number; they were easily known; three yet retain their seats, two are of the same State with the gentleman who offered the amendment, and are not now members of the House; that he was of the number, and he was confident that no man applying the charge of speculation to himself or to any one of those who voted with him, would believe there was the shadow of truth in it; but he would attend to the discussion; and, however he might dislike the reason assigned for offering the amendment, if he found any good likely to arise from it, would give it his vote.

Mr. MERCER's remarks brought out several other members, who, severally advertising to the circumstances attending the passing the Funding Act, showed that though they had voted for the system, that they were not influenced by personal considerations.

The motion of Mr. MERCER was repeatedly modified and altered, and then further debated.

Mr. BARNWELL said, he disapproved of the motion; it appeared to be a very extraordinary measure indeed; the ostensible motive is to prevent speculation, but it will have directly the contrary effect. The way, in his opinion, to prevent speculation, was to appreciate the value of the certificates in the hands of the holders; but what will be the effect of this measure? it will lessen the value of the paper immediately, by preventing the possessor from transferring the property. This he considered as a retrospective measure, and that the Government had no right to abridge the right of transferring; it is a quality of the property, and cannot be taken away by any subsequent law. He considered the measure as counteracting the principles of the bill altogether, the design of which is to give a value to the paper in the hands of the owners. In every view of the proposition he was opposed to it; and though it appears designed to benefit the distant creditors, yet he felt so fully persuaded that it would operate to the disadvantage of his constituents, that he should under every modification vote against it.

Mr. MADISON replied to Mr. BARNWELL; he observed, that the gentleman argued from proper principles, if they had been applied to a different case. The present proposition of providing for these balances is a voluntary business, which this Government is under no obligation to engage in; but having engaged in it, the measures it may adopt on the occasion, have no necessary reference to, or connexion with the general regulations under which the paper now exists; the Government may make just what arrangements it thinks proper. The provision now contemplated, he remarked, was however to be justified on its own merits; the uses and the consequences resulting from it, were designed to be salutary; and with respect to persons remote from the Seat of Government, who are equally entitled to protection in every sense with those who reside there, they would evidently be benefited by the regulation.

Mr. MURRAY opposed the motion, as being hostile to the public faith, as involving an infraction

of that faith, so far at least as the value of the certificates have been enhanced in consequence of what has already been done.

Several other members spoke on the occasion; and the motion was at length negatived by the Committee.

TUESDAY, January 22.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his Report on the petition of Thomas Wishart; which were read, and ordered to lie on the table.

A memorial of the manufacturers of cordage, lines, and packthread, of Providence, in the State of Rhode Island, was presented to the House and read, praying the attention of Congress to the said manufacture, by repealing the drawback of the duties imposed by law on the reshipment and exportation of cordage, twine, and packthread, of foreign manufacture; and allowing a drawback of the aforesaid duties on foreign hemp, in case of its being manufactured and reshipped in the United States, or otherwise, as to the wisdom of Congress may seem meet.

Ordered, That the said memorial be referred to Mr. BENJAMIN BOURNE, Mr. GOODHUE, and Mr. MOORE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. WILLIAMSON, from the committee appointed, presented a bill to promote commerce by the increase of American seamen; which was received, read twice, and committed.

The House proceeded to consider the report of the committee on the petition of Henry Emanuel Lutterloh, made on the 8th of May last: whereupon,

Resolved, That the Accounting Officers of the Treasury cause the account of Colonel Henry Emanuel Lutterloh, for his traveling and passage expenses, incurred in coming to America and joining the Army of the United States, in one thousand seven hundred and seventy-seven, being seven hundred and forty-six dollars, to be settled, and the amount thereof to be paid out of the Treasury of the United States.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. GROVE, Mr. SCHOONMAKER, and Mr. BENJAMIN BOURNE, do prepare and bring in the same.

BALANCES DUE CERTAIN STATES,

The House again resolved itself into a Committee of the Whole House on the bill to authorize a Loan, in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States:

Mr. MERCER's proviso was again under consideration, some objection being made, Mr. MERCER offered the proposition in a new form, still preserving the original object respecting transfers or sales of certificates. The debate was renewed on this motion. The question being at length taken, the proposition was negatived—32 to 28.

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The second section being read, Mr. STURGES moved an addition, which authorizes the States respectively to prescribe the several species of the notes or certificates which shall be subscribed to the loan. This was agreed to.

A proviso was moved by Mr. WILLIAMSON to the following purport: "That no certificate of any State shall be considered as the debts of the State which shall not be recognised as such by the Legislature thereof within twelve months after the same shall have been subscribed." Without deciding on this, the Committee rose, and reported progress.

WEDNESDAY, JANUARY 23.

The SPEAKER laid before the House a Letter from the Governor of Maryland, enclosing a return of the election of WILLIAM HINDMAN, to serve as one of the members of this House, for the said State, in the room of JOSHUA SENEY, who has resigned his seat; which were read, and ordered to lie on the table.

A member, in his place, laid before the House a Letter from the Governor of Kentucky, enclosing a representation from the Legislature of the said State, respecting an adjustment of a claim of that State against the United States, for the expense of certain expeditions against the Indians; which were read, and ordered to lie on the table.

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Mr. GILES submitted to the consideration of the House certain resolutions; after reading which, he proceeded to mention the reasons which had influenced him in moving them. The resolutions are as follows:

"Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before this House copies of the authorities under which loans have been negotiated, pursuant to the acts of the fourth and twelfth of August, one thousand seven hundred and ninety, together with copies of the authorities directing the application of the moneys borrowed.

"Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause this House to be furnished with the names of the persons by whom, and to whom, the respective payments of the French debt have been made in France, pursuant to the act for that purpose; specifying the dates of the respective drafts upon the Commissioners in Holland, and the dates of the respective payments of the debt. A similar statement is requested respecting the debts to Spain and Holland.

"Resolved, That the Secretary of the Treasury be directed to lay before this House an account exhibiting, half-monthly, the balances between the United States and the Bank of the United States, including the several Branch Banks, from the commencement of those Institutions, to the end of the year one thousand seven hundred and ninety-two.

"Resolved, That the Secretary of the Treasury be directed to lay before this House an account of all moneys which may have come into the Sinking Fund, from the commencement of that Institution to the present time; specifying the particular fund from which they have accrued, and exhibiting, half-yearly, the sums uninvested, and where deposited.

"Resolved, That the Secretary of the Treasury be

directed to report to this House the balance of all unapplied revenues at the end of the year one thousand seven hundred and ninety-two, specifying whether in money or bonds, and noting where the money is deposited; that he also make report of all unapplied moneys which may have been obtained by the several loans authorized by law, and where such moneys are now deposited."

The resolutions, said Mr. GILES, have grown out of the embarrassments I have met with in attempting to comprehend the Report of the Secretary of the Treasury, made in pursuance of an order of this House of the 27th of December, 1792, exhibiting sundry statements respecting foreign loans. These embarrassments have increased in proportion to the attention which I have bestowed on the subject; and a number of official papers to which I have had reference for information, instead of elucidating, seem rather to obscure the inquiry. To obtain necessary information, therefore, is the object of these resolutions, and no one can doubt the immediate applicability of this information to a bill now lying upon your table, for the purpose of reimbursing the loan of \$2,000,000 made of the Bank of the United States, by opening a new loan for that sum abroad, and by changing the application of the like sum already borrowed and appropriated to the discharge of the debt to France from its original destination to the immediate discharge of the debt to the Bank.

The first resolution has arisen from that part of the printed Report of the Secretary of the Treasury which exhibits the terms upon which various loans have been made abroad, but neither presents the precise authorities under which those negotiations have been made, nor the precise amount of the sums borrowed for the separate and distinct objects of the two acts mentioned in the resolution.

Another reason has more strongly suggested the propriety of calling for the information requested by this resolution. The bill now upon your table, which has been before alluded to, contemplates the whole of the moneys borrowed from abroad, and now on hand, as being originally appropriated to the discharge of the French debt, and proposes to change the original destination of these identical moneys; and the reason assigned for this measure has been the unsettled state of affairs in France.

In the printed Report of the Secretary of the Treasury, he remarks that the same moneys are applicable to the Sinking Fund. It appears strange, that after express and distinct appropriations by law, that any misunderstanding relative to this object should exist, and the information called for may possibly explain this seeming contradiction.

The second resolution has arisen from that part of the printed Report marked B, and which exhibits the payments made to France, but does not furnish the names of the persons engaged in those negotiations, nor does it present to view the length of time those persons have been possessed of the public moneys, by stating the dates of the respective drafts in Holland, and the dates of the

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actual application of the moneys to the discharge of the debt; and it is evident that from the times the loans are respectively created, to the times of the actual application of the moneys borrowed, the United States are paying the usual interest upon the debt intended to be redeemed, and the stipulated interest upon the moneys borrowed for the redemption. This remark is equally applicable to the payments of other foreign debts with the payments of the debt to France.

The third resolution has arisen from calculations drawn partly from the last page of the printed report, and from the original Bank book of the United States, from which it appears that the balances in Bank in favor of the United States were as follows:

In Bank, Philadelphia, 30th May, 1792, and 16th June, same year, in branch banks	\$676,952 55
1792, June 30th, in all banks in the United States	555,271 22
July 28th and 31st, in all banks in the United States	511,423 91
August 25th, 30th, and 31st, in all banks in the United States	740,903 87

On the 1st of June, a loan was negotiated with the Bank of the United States on the part of the United States, for \$100,000, at 5 per cent. per annum. On the 1st of July, another loan was made upon the same terms for the like sum. On the 1st of August, another loan was made upon the same terms for the like sum. On the 1st of September, another loan was made upon the same terms for the like sum. It appears from the last page of the printed Report, that there had been drawn into America, from the 15th of December, 1790, to the 27th of January, 1792, of the moneys borrowed abroad, the sum of 2,663,621 florins, 2 stivers, and 6 deniers. If this sum were unexpended, and lodged in the bank at the times of making these loans, (and Congress have never yet been informed of any deficiency of revenue,) the United States will, of consequence, have paid upon the moneys borrowed from the Bank of the United States, from 15 to 17 per cent. per annum, to wit: they will have paid 5 per cent. upon the original debt to France, 5 per cent. upon the moneys borrowed for its redemption, exclusive of douceurs and other charges, and 5 per cent. upon the sum borrowed of the bank, which may be deemed part of this deposit made in the Bank by the United States. But, discarding these inferences, it must at least be admitted that the United States are paying 5 per cent. for the loan of moneys from the Bank, when a sum larger than the loan itself, is actually deposited in Bank. It is here to be remarked, that a balance of cash is admitted, by the Treasurer's return, to have been in his hands on the 31st of December, 1790, amounting to \$973,342 43, and in July 30, 1791, the sum of \$582,189 54.

I am informed that bills are often drawn in favor of the Bank for moneys in the hands of the revenue officers in distant parts of the United States, and that credit is entered in the Bank book

upon the receipt of such bills, although the moneys may not actually be in Bank for some time after the credit is entered, and hence it is inferred that the Bank-book does not conclusively show the real sum in Bank, not to mention that such bills answer all the purposes of cash, and ought therefore to be credited upon the receipt of them. It is to be remarked that there is a regular and continual influx of moneys into the Bank by the operation of these bills. It is not very material whether a bill lodged in Bank to-day, should be paid to-day, provided something like the same sum should be paid in consequence of a bill lodged in Bank one or two months ago, and the bill of to-day should be paid one or two months hence. The following statement will, in some measure, explain this idea, by exhibiting half-monthly the balances of public money in all the banks, about the middle and end of each month, beginning with May, 1792, and ending with December of the same year:

May	\$340,322 11
May	332,116 35
June	776,107 65
June	523,272 22
July	441,637 13
July	521,426 91
August	743,470 19
August	740,903 08
September	695,302 23
September	367,961 25
October	456,895 52
October	473,388 99
November	681,250 09
November	811,212 51
December 15	1,020,824 73
December 22, and January 5— last returns	790,642 11

The fourth resolution has arisen from that part of the printed Report which remarks that the residue of the sum drawn from Holland, amounting to \$1,668,188 27 is applicable to the purchase of the public debt. It is known that the sum of \$1,374,656 40, being the surplus of the revenue up to the end of December, 1790, was originally appropriated to the Sinking Fund; that the surplus of other appropriations have been applied to this fund, and that the interest of the debt purchased has also been wholly appropriated to its increase. It is also known that between \$1,100,000 and \$1,200,000, and no more, of the original appropriation, have been really invested in the purchase of the debt; it is, therefore, somewhat unaccountable that so large a sum as \$1,668,188 should be drawn from the loans abroad, when the Sinking Fund has always overflowed from domestic resources, and when the probability of purchasing is extremely lessened by the rise in the price of paper and the limitations of the last act of Congress upon that subject. It would not be deemed an economical arrangement to make a loan of so large a sum of money upon terms by no means honorable or advantageous, and appropriate it to the purchase of the debt under limitations which would forbid its investiture. The information called for in this resolution may possibly explain these difficulties.

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The fifth and last resolution has arisen from that part of the printed Report (page 5) which states the whole sums drawn from Holland to amount to \$2,304,769 13; but neither immediately presents to view the balance on hand, nor informs where that balance is deposited. It appears by the Bank-book, that the whole deposit of the United States in Bank at this time, from all resources, amounts to \$790,642 11. Hence, it will appear from a statement partly conjectural, and partly founded upon the statements in the printed Report, and some official documents, that \$1,554,851 43 remain unaccounted for, as will appear from the following account:

Sums which ought to be in the Treasury.

Whole moneys drawn from Holland, as stated in the printed Report, page 5 - - -	\$2,304,769
Deduct paid for St. Domingo, as stated in printed Report, page 5	455,263
Leaves a balance of -	1,859,506
Deduct to foreign officers, if paid	191,316
Leaves a balance of -	1,668,190
Add surplus of Sinking Fund, conjectural - - -	400,000
Add surplus of revenue of 1792, reported at - - -	277,385
Whole amount - - -	2,345,495
Sums not taken into this estimate: First. Any moneys not paid of the \$191,316, due to foreign officers. Second. So much moneys in Bank as arose from the revenues. Third. The receipts of the current year.	
From this aggregate sum of - - -	\$2,345,495
Deduct in Bank - - -	790,642
Balance not accounted for	<u>1,554,853</u>

In this last estimate, cents have not been taken into calculation, which makes an inconsiderable variation in some of the sums.

Another circumstance appears somewhat singular: in the printed Report, 2,986,000 florins are stated to have been drawn from Holland in the year 1792. In the Bank-book, it appears from the list of bills drawn, that 8,695,237 florins were drawn for in the same time. This difference, I presume, may admit of explanation probably from the manner of negotiating this matter, or from some casual mistake. It deserves, however, to be explained.

It appears from another statement, made up to the 1st of April, 1793, that there ought to be at that time a sufficient sum of money in the Treasury to reimburse the loan of 2,000,000 dollars to the Bank, and to answer all the other purposes of Government.

<i>Treasury,</i>	<i>Dr.</i>
April 1, 1793. Balance of foreign loans - - -	\$1,668,182 27
Surplus of Sinking Fund, conjectural - - -	400,000 00

Bonds payable in December, 1792	460,126 00
Bonds payable in January, 1793 -	129,332 00
Bonds payable in February -	87,057 00
Bonds payable in March -	202,447 00
Surplus of the revenue of 1792 -	277,305 27
All the revenue of the current year, estimated at - -	1,000,000 00
These sums make the sum of	<u>4,224,389 54</u>

*Treasury,**Cr.*

Debt to Bank, if paid - -	\$2,000,000 00
One quarter's interest, to April, 1793 - - -	700,000 00
Bonds payable in December, if applied to the last quarter's interest	460,126 00
One quarter's expenses of Army and Government, estimated at -	400,000 00
	<u>3,560,136 00</u>
Deduct this sum from - -	4,224,389 54
Balance in favor of the Treasury, if the debt of the Bank be paid - - -	<u>664,263 54</u>

The papers from which I have collected these statements may be deceptive in themselves, or may be subject to explanations from others. Candor, however, induces me to acknowledge that impressions resulting from my inquiries into this subject, have been made upon my mind, by no means favorable to the arrangements made by the gentleman at the head of the Treasury Department. But I shall keep myself open to conviction, in case of any sufficient explanation which may be hereafter given, and I now avow that my acknowledgment of mistake shall be at least commensurate to any conviction produced.

I cannot help remarking, before I sit down, that we have been legislating for some years without competent official knowledge of the state of the Treasury, or revenues; in the course of which time, we have been engaged in the most important fiscal arrangements; that we have authorized a loan of the Bank of the United States for more than \$500,000, when probably a greater sum of public money was deposited in the Bank; that we have passed a vote this session, authorizing a further loan for \$800,000, and that we were upon the point of authorizing a loan abroad for \$2,000,000, without knowing the extent of the authorities at present existing for borrowing, the amount of moneys on hand in consequence of loans already made, or the application of the moneys which may have been used; and I conceive it is now time that this information be officially laid before this House.

The said resolutions were then severally agreed to by the House.

BALANCES DUE CERTAIN STATES.

The House again resolved itself into a Committee of the Whole House on the bill to authorize a Loan in the certificates or notes of such

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States as shall have balances due to them upon a final settlement of accounts with the United States.

Mr. WILLIAMSON's proviso was taken into consideration.

Mr. MACON offered another, in lieu of Mr. WILLIAMSON'S; the purport specifying particularly certain notes of the State of North Carolina, which that State had proscribed, and which he proposed should be excluded from the loan now under consideration. The certificates are those issued at Warrenton, in 1786; certificates to pay for a militia expedition against the Indians in 1788; and certificates signed *Patrick Travers*.

Mr. WILLIAMSON withdrew his motion, and that moved by Mr. MACON was agreed to.

Several other amendments were moved, but not agreed to.

The Committee, having gone through with the discussion of the bill, rose, and reported it, with sundry amendments. The House took the same into consideration, and agreed thereto.

Mr. MERCER then renewed his motion for a proviso respecting assignments or transfers of State certificates. The object is, to exclude from the loans all certificates so transferred or assigned, from the first day of January, 1793, to the first day of June following.

Some further debate took place. It was urged in support of the motion, that the provision now to be made for a certain description of creditors, is merely a benefit; in conferring which, the Government had a right to annex what conditions they thought proper; that it was the duty of the Legislature to take measures to prevent those at a distance from the Seat of Government from being speculated upon, to their great injury and loss; that imputations have been thrown upon the members of the Legislature, in respect to the advantages taken of the uninformed on the first assumption; and therefore, as an opportunity is now offered to the House to purge themselves of all suspicions of improper motives, the amendment ought to take place. In answer to the objection on the proviso's being retrospective, it was said, that it had relation to such assignments or transfers only, as have taken place since this act originated.

In opposition to the proviso, it was said, that the present bill was not merely a bounty or benefit conferred on the creditors; it is a measure just, reasonable, and proper in itself; and on this principle only it is to be justified. It was further urged, that the proviso was unconstitutional, having a most manifest retrospective operation, interfering with contracts which the parties at the time had a most undoubted right to make, and thus altering the value of their property; it was reviving the principle of discrimination between the original holders and the assignees, a principle that had been so pointedly reprobated by a large majority of the Legislature on a former occasion.

A motion was then made, and seconded, further to amend the said bill, and debate arising thereupon, an adjournment was called for, and the House adjourned.

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THURSDAY, January 24.

BALANCES DUE CERTAIN STATES.

The House resumed the consideration of the bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States; whereupon, a motion was made, and the question being put, further to amend the said bill, by adding, to the end of the second section, the following proviso, to wit:

"*Provided*, That no such notes or certificates shall be subscribable in any name, other than that of the original owner, if living, or if dead, of his legal representative, and except such as are, or may be, transferred by executors, administrators, or assigns, under any bankrupt act, unless accompanied with an affidavit, certified by a magistrate, that the transfer or assignment to the party, in whose name and behalf the subscription is offered, was not made at any time between the first day of January and the first day of June next, and that such party is the true and *bona fide* proprietor thereof."

It passed in the negative—yeas 30, nays 33, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, Jonathan Dayton, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, John Steele, Thomas Tredwell, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

A motion was then made, and the question being put, further to amend the said bill, by inserting, after the word "State," in the second section, the words "for services rendered, or supplies furnished, during the late war:" it passed in the negative; yeas 29, nays 30, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, Abraham Clark, Jonathan Dayton, William Findley, William B. Giles, Christopher Greenup, William Barry Grove, Daniel Heister, Aaron Kitchell, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, John Steele, Thomas Tredwell, Abraham Venable, Alexander White, and Hugh Williamson.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benja-

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min Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

Ordered, That the further consideration of the said bill be put off until to-morrow.

FRIDAY, January 25.

Mr. AMES, from the committee appointed, presented a bill to authorize the adjustment of a claim of Joseph Henderson against the United States; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill granting further compensation to certain Receivers of Continental taxes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question, that the said bill be engrossed and read the third time, it passed in the negative—yeas 22, nays 24, as follows:

YEAS.—Egbert Benson, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Samuel Griffin, Thomas Hartley, Daniel Huger, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, John Milledge, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Theodore Sedgwick, Peter Sylvester, Samuel Sterrett, Thomas Sumpter, Abraham Venable, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, Shearjashub Bourne, Abraham Clark, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Aaron Kitchell, John Wilkes Kittera, George Leonard, Nathaniel Macon, Andrew Moore, Jeremiah Smith, Israel Smith, William Smith, George Thatcher, Thomas Tredwell, and Artemas Ward.

So the said bill was rejected.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his report on the petition of John Manly; which were read, and ordered to lie on the table.

BALANCES DUE CERTAIN STATES.

The House resumed the consideration of the bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States. Whereupon,

A motion was made, and the question being put, further to amend the said bill as follows, to wit: strike out, in the first section, the words "within — months," and, in lieu thereof, after the word "same," insert "to commence on the first day of January, 1794," it was resolved in the affirmative—yeas 39, nays 20, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, William B. Giles, Nicholas Gilman,

Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, John Milledge, Andrew Moore, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Abraham Venable, and Alexander White.

NAYS.—Elias Boudinot, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, Thomas Hartley, Daniel Heister, Daniel Huger, John Laurance, George Leonard, Nathaniel Macon, Frederick Augustus Muhlenberg, Nathaniel Niles, Peter Sylvester, John Steele, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

And on the question that the said bill be engrossed and read the third time, it was resolved in the affirmative, the House being equally divided, to wit: yeas 32, nays 32, and the SPEAKER declaring himself with the yeas.

The yeas and nays are as follows:

YEAS.—Jonathan Trumbull, *Speaker*, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

SATURDAY, January 26.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of expenditures for the War Department, from the 1st of October, to the 31st of December, 1792, inclusive; which was read, and ordered to lie on the table.

MONDAY, January 28.

BALANCES DUE CERTAIN STATES.

An engrossed bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States, was read the third time, and the bill being on its passage—

Mr. HARTLEY said: I have attended to the debates on this bill, and considered the subject, and am fully convinced that the bill should pass. By the

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act for settling the accounts between the United States and individual States, the balances were assumed to be paid to the creditor States. The bill under consideration gives the alternative to the State (which shall be found a creditor) either to receive the balance herself and pay it to her citizens, or suffer them to fund their certificates with the General Government. I believe it will be found, on experience, most convenient to the creditor, and least expensive to the people, for the creditors to subscribe to a loan with the General Government. This, however, will rest in a great measure upon the individual States. Two taxes will be more expensive to collect than one; and if money is to go through two hands instead of one, in general it is attended with a double charge.

It is said, that the bill will offer a new field for speculation. It is possible that, to a certain degree, there may be weight in the observation; but after the experience we have had, the holders of certificates will not be easily imposed upon; and if the certificates of the individual States would be equalized, I am led to believe, that it would be of service to the community. They might, in a considerable degree, act as a medium in commerce, and in the transfer of property; but whilst they remain at different values, they will be mere objects of speculation. I regret exceedingly the great inequality of fortune, which has arisen among citizens, by the speculations in our paper; but in a great and mighty revolution, some partial evils must be expected, to obtain a general good. We are bound to pay our debts. I do not think that a large national debt is a blessing, but it is of high importance that the Government which is in debt should so dispose of it, as to do as little injury as possible, and if the same is practicable, produce a partial good.

In Pennsylvania our affairs appear to be in the highest state of prosperity; the farmer compensated for his labor; the mechanic everywhere fully employed and amply paid; commerce flourishing. Objections have been made against the law; yet I imagine if it is published, and the reasons for enacting it known, the public opinion of the State I represent, will be in favor of it. If we pass the act this session, we shall save the next Congress from much trouble and perplexity. We act now upon principle, without knowing how the balances will operate. If the creditor and debtor States were known, it would be found exceedingly difficult to reconcile the several interests. Remember the Representative bill; the Government had like to have been dissolved, on account of the various interests.

Much has been said about the interested motives of members. I may here say that I do not belong to that class called aristocrats, (if such there is among us.) I have always supported the rights of the people, according to the best of my judgment and abilities. I have almost in every instance received their approbation of my public conduct. In the present question I am not more interested than any other citizen; I have no certificates, I am no public creditor of any sort. I

mean to act upon principle, and vote for the passing of the bill.

Mr. PAGE, having moved the previous question, said that, in consequence of his aversion to waste the time of the House, which he always regarded as precious, he generally waited for the question, without troubling the House with his reasons for his vote, always satisfied if what occurred to him in support of it was offered by any other member, who might be better heard and understood—but that, when the names of the voters were to be held up to the public view, and when the vote he meant to give had been represented by some members, for whom he had the highest respect, as injurious to public creditors, as retrospective, and therefore unconstitutional in its operation, he thought himself bound to endeavor to justify his vote.

If the creditors, Mr. SPEAKER, who are the object of the bill before you, were, by the amendment, excluded from an application to their debtor, or were the General Government the only body to whom they could look for payment or common justice, I would most scrupulously avoid interfering with their claims; or, did the bill extend its influence to all the creditors of the States impartially, I might listen to some objections which have been made to a discrimination, said to be produced by the amendment. But, sir, granting all that has been objected to have its full force, I only find that such creditors of creditor States (for no others are to be benefited by this bill) as may not be able to establish their claims founded on a speculation, which was grounded on a supposition that this bill would pass, without the amendment now proposed, will only be left where they are, and where, in my opinion, they ought to be left—that is, to look to their original contract; and I do not contribute to seduce them from their attachment to their State, and from their reliance on its plighted faith. I wish not to see them deluded into an acceptance of four per cent. interest from the General Government of the United States, instead of six from their respective States, which I believe are willing and able to comply with their engagements. But, sir, if I were even an advocate for the assumption and for the complicated Funding System, I should vote for the amendment now proposed; because I think with my colleagues [Messrs. MADISON and GILES] and the member from Maryland [Mr. MERCER] that it is not only well calculated to prevent an improper scramble among speculators for the supposed benefit of the bill, but is proper to rescue the members of Congress from temptation, as well as from suspicion of speculating on their own laws. I therefore think, sir, I can honestly and conscientiously vote for the amendment.

Whilst I am up, (said Mr. P.,) I will take the liberty of remarking that those gentlemen who so loudly and warmly replied to the member from Maryland, and supposed they were vindicating the honor of the House, in my opinion were greatly mistaken; their conduct tended to check free debate and bold investigation, and their remarks respecting newspaper information might be a dan-

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gerous check to the freedom of the press. What avails the declaration of our Constitution respecting the freedom of the press, if it may be restrained by the conduct of members in either House of Congress? And surely it may be restrained by such remarks as have been so warmly made by members here, merely on a member's stating information in his place, and referring to newspapers for further confirmation. Bold must be the printer, and on a broad basis of a large subscription must he stand, who can repeat information so severely quoted in this House. The honor of the House can never be vindicated by such expressions; on the contrary, they may lead our constituents to suppose that at least passions prevail here, and animosities exist, which ought to have no place among us; and, indeed, such conduct may tend directly to produce consequences of a serious nature to members concerned in debate.

Mr. MADISON remarked, that an amendment now incorporated in the bill has changed its principles altogether. It was contemplated by the original bill to provide for debts incurred only for the support of the war; but by this amendment, debts are to be subscribed to the loan which were created subsequent to the period in which those debts originated that have been hitherto called debts of the United States. Another amendment has been added, which postpones the subscription to a period so distant as to anticipate the proper business of a subsequent Legislature, which will be more competent to decide upon it than this House is. The gentleman who brought forward this motion, assigned as a reason, that by this postponement the Senate would have a control over the subject which they would not have without passing the bill, and with this amendment.

Mr. M. reprobated the idea of controlling the deliberations of a subsequent Legislature. He said the ground of the bill was changed. The postponement of the subscriptions renders it entirely unnecessary for the present Congress to decide upon it. He was in favor, therefore, of postponing it, and of the previous question.

Mr. GRAY said he did not expect this opposition to the bill, at this stage of the business, especially from gentlemen who had advocated the very principle on which the bill is founded, viz: a provision for the balances which shall be found due on a final settlement of the accounts. The motion for the previous question is founded on the remonstrance of the State of Virginia;* a State which justly has the reputation of being wise in her councils and decisions, but on the present occasion is single and alone in her conduct in regard to this subject. No other State has come forward with such a remonstrance against the act and doings of the National Legislature. He concluded, therefore, that in this instance at least, that State is in an error; especially as the grounds of her complaints have been obviated. He then adverted to the general provisions of the bill, and showed that they were

perfectly consonant to the existing provisions made by former acts of the Government, respecting the balances which shall appear to be due to the several States. He alluded next to the several provisoes and amendments of the bill which had been ingrafted in it, to accommodate it to the wishes of those who, notwithstanding, appeared to be as much opposed to it as ever. He was really surprised and confounded at the conduct of gentlemen in the Opposition. He noticed briefly the justice of the claims of the creditors; and concluded by observing that there were already sufficient difficulties to embarrass the operations of this Government, and he conceived that the opposition to measures calculated to doing justice in this particular case, was calculated to increase those difficulties and embarrassments.

Mr. AMES reprobated the idea of putting the previous question. After a discussion of three weeks, it is now proposed to prevent a decision of the subject. He considered this as a very unfair and unjustifiable mode of procedure; such an one as the gentlemen in opposition to the bill, on mature reflection, would not themselves justify. He then noticed the scope of the arguments offered in support of the previous question, and urged a variety of considerations to show that the present was the most favorable time to decide the question. He deprecated the consequences of a postponement; it would be considered as a denial of justice on the part of the present Legislature, and as placing the creditors in the most uncertain situation as to their future fate; in short, he conceived it was such an evasion of justice as might put the country in a flame.

Mr. GILES replied to Mr. AMES. He conceived the consequences would be directly the reverse from those he had anticipated; he thought those who were to be benefited, who were comparatively but a small number, would not put the country in a flame: the danger was, that those who would suffer by the burdens which would result from the measure, would be thrown into a flame. He then entered into a general consideration of the subject, and urged a variety of reasons against the bill, and in favor of putting the previous question. Mr. G. also enlarged on the impropriety of precipitating the subject the present session.

Mr. WHITE said he had, last session, voted against the bill for assuming the State debts, but he should vote for the bill now under consideration. In this he thought he was perfectly consistent, as there was a radical difference between the two. The former was a proposition for assuming all the debts of all the States—the same which had been originally proposed at New York, and which he had uniformly opposed. The present is only for assuming to the amount of the balances which may be due to creditor States: this he always approved. He said he had heard but one argument against the propriety of coming to an immediate decision, which appeared to have any weight—that was, the unequal and imperfect representation. This, he said, was a circumstance which he felt as sensibly as any member of the House, and if the proposition was to impose bur-

* Mr. PAGE had called for the reading of the proceedings of the Legislature of the State of Virginia relative to the funding system, particularly the assumption of the State debts. These proceedings were accordingly read.

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dens on the people, or to change an established system, he should hesitate before he agreed to it; but neither of these was the present case; no additional sums were to be raised by the bill, and no change made in the mode of payment of the balances without the approbation of the States to which they may be due.

Having thus obviated this objection, he said, he would give the reasons which induced him to believe the matter ought now to be decided. He observed that, perhaps, it might have been well had the subject not been brought forward, considering the opposition which had taken place. He did not, however, censure the gentleman who introduced it; that gentleman had, as well as himself, been acquainted with the proceedings respecting the assumption, from the commencement. And he declared he did not expect, when the resolutions were laid on the table, that an objection would be made to them; and it was probable as little apprehension was entertained by the mover of the resolutions; but he thought the manner in which the bill had been opposed, and in which it had been supported, required an immediate decision. It had been made the criterion of the public faith of the Government, and of the fidelity of its officers. Those who were in favor of the bill, alleged, as one reason in support of it, that when the balances were known, the debtor States would not agree to make provision for those balances, agreeably to the existing law. He believed that this suggestion was unfounded; he did not believe it was possible that any man, whom the confidence of his fellow-citizens should place on this floor, would ever refuse to carry that law into effect. He considered it as one of the pillars of the Constitution—a solemn compact between the United States and individual States—and he believed if ever this Government should be guilty of so gross a breach of faith, in a matter of importance sufficient to attract the general notice of the citizens, that there was an end to the Government itself. It was a Government founded on opinion; and when the opinion of the people ceased to support it, the Government must fall. On the other hand, the bill had not been opposed on its merits. No gentleman had attempted to point out the individual or the description of men who would be injured by the operation of the bill; they had opposed it wholly on collateral circumstances; they had supposed that if the States who had debts due to their citizens should have their balances discharged by assuming those debts, that they would oppose the payment of the balances to States which have no creditors. It had likewise been alleged, that the Commissioners for settling accounts might conduct themselves in such a manner as to render a legislative interposition necessary, to arrest the measures consequential on the settlement. He had no apprehension of such conduct on the part of the Commissioners, and could not legislate on a supposition that they would conduct themselves in a manner so very improper; but if they did, he could not see that the change in the payment of the balances could have any effect. If the Legislature could interfere where

States were concerned, they might do the same in the case of individuals. But as jealousies had taken place in the minds of the members, and as both sides of the House seemed to consider the passing this bill as giving a greater force and stability to the act for settling the accounts between the United States and individual States, it was a strong reason with him to give his assent to it. It had been said the passing the bill by so small a majority would occasion discontent and uneasiness among the people. This might be the case, but the same reason is equally applicable to a rejection of the bill by a small majority. But who are most likely to be dissatisfied? Those who by a rejection of the bill would feel themselves injured, at least disappointed in their expectations of advantage; or those who, notwithstanding its passage, would be left in their present condition? He believed, the former: so that as far as that argument had any weight, it was in favor of the bill.

Mr. MURRAY was in favor of the previous question. He thought the present stage of the business was the most proper to call for that question. It would, he said, have been justly exceptionable had the question been called previous to debate, but now it was strictly proper. Adverting to the merits of the bill, he objected to it as an infraction of the Funding System; that system provides for funding the balances in favor of the States, not the individual creditors. On this principle he considered the bill as establishing a dangerous precedent, and as affording a pretext for future infractions and mutilations of that system.

Mr. M., adverting to certain observations which had been thrown out respecting the uneasiness which was said to exist in some of the States, informed the House, that with respect to the State he had the honor to represent, the greatest apparent satisfaction with the measures of the General Government prevailed. It is true, said he, my constituents feel the pressure of taxes in common with the rest of their fellow-citizens, but they discover no disposition to complain; they consider the public burdens as the price of their liberties and independence, and, under this idea, submit to them with the utmost cheerfulness; at the same time confiding in the wisdom and justice of the Government that their impositions will be regulated according to the exigencies of the nation, and that no unnecessary taxes will ever be laid. He thought it necessary to say thus much, as he conceived too high a coloring had been given to some representations which the fancy of members had brought forward in their zealous opposition to the bill.

The previous question being called for by five members, to wit: "Shall the main question, that the said bill do pass, be now put?" it was resolved in the affirmative—yeas 33, nays 31, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, John Wilkes Kittera, John

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Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

YAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

The main question, that the said bill do pass, being now put, it was resolved in the affirmative, the House being equally divided, viz: yeas 32, nays 32, and the **SPEAKER** declaring himself with the yeas.

The yeas and nays were as follows:

YEAS.—Jonathan Trumbull, *Speaker*, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hardley, James Hillhouse, Daniel Huger, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

Ordered, That the Committee of the Whole House, to whom was referred the bill sent from the Senate entitled "An act in addition to the act entitled "An act to establish the Judicial Courts of the United States," be discharged from the further consideration of the same; and that the said bill be committed to Mr. BENSON, Mr. HILLHOUSE, Mr. WILLIAM SMITH, Mr. WHITE, and Mr. KITTERA.

A Message was received from the **PRESIDENT OF THE UNITED STATES**, with an official statement of the expenditures to the end of the year 1792, from the sum of ten thousand dollars granted to defray the contingent expenses of Government, by an act passed on the 26th of March, 1790; also, an abstract of a supplementary arrangement made in the District of North Carolina, in regard to certain surveys, to facilitate the execution of the law laying a duty on distilled spirits.

The papers accompanying the said Message were read, and ordered to lie on the table.

HALF-PAY TO WIDOWS AND ORPHANS.

The House resolved itself into a Committee of the Whole House on the motion of the 18th instant, for making provision of half-pay for seven years to the widows and orphans of such officers of the Army of the United States as have been killed in the service since the third day of June, 1784, or who may hereafter be killed in the service of the United States.

Mr. HARTLEY, who brought forward the motion, moved to strike out June 3, 1784, and insert 4th day of March, 1789.

Mr. LIVERMORE said he should be in favor of the motion if it went as far back as the year 1775, and comprehended the widows and orphans of the officers of the Army killed within two years from the commencement of the war.

Mr. WILLIAMSON said he should consider it his duty to move for an amendment to the proposition, in the progress of its discussion, by inserting a clause to provide for the widows and orphans of the officers of the militia.

Mr. WADSWORTH stated the reasons on which he supposed provision had not been made for the widows and orphans of those officers which were killed during the period alluded to by the gentleman from New Hampshire: one principal one was, that the new Government was not authorized by the Constitution to create any demands against the United States; the Government was bound to take up the debts as they found them. The old Government had not recognised the claims of those widows and orphans alluded to. With respect to the present resolution, he was opposed to the amendment; he thought it ought to go back to June, 1784, the commencement of the present Indian war. He should move for other amendments to the resolution, that it should provide not only for those who may fall by the sword, but for such as die in the public service. He should also be for extending the provision to the widows and orphans of the officers of the militia. He considered it as a most disgraceful thing to a Government not to make provision for the families of those who sacrificed their lives in the cause of their country.

The motion for striking out June 3, 1784, was put and carried. The other part of the motion, to insert 4th day of March, 1789, was not put, being superseded by a motion for the Committee's rising. The Committee then rose, and reported progress.

TUESDAY, January 29.

The House proceeded to consider the report of the committee to whom was referred the Report of the Secretary of War on the petition of Thomas Wishart. Whereupon,

Resolved, That Thomas Wishart is entitled to the pay of a Lieutenant in the Army of the United States, from the 15th of November, 1776 until the 15th of October, 1781; and that the Comptroller of the Treasury be authorized to settle and adjust the account of the said Thomas Wishart accordingly.

Ordered, That a bill or bills be brought in, pur-

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suant to the said resolution; and that Mr. PARKER, Mr. GORDON, and Mr. ASHE, do prepare and bring in the same.

Mr. BENSON, from the Committee to whom was referred the petition of Robert Heaton, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act regulating Foreign Coins, and for other purposes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

The said bill, together with the amendments thereto, was then read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to regulate the claims to Invalid Pensions," with several amendments; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the bill to amend an act entitled "An act to promote the progress of the Useful Arts;" and, after some time spent therein, the Committee rose, and had leave to sit again.

WEDNESDAY, January 30.

Another member, to wit: WILLIAM HINDMAN, returned to serve in this House, for the State of Maryland, in the room of JOSHUA SENEY, who has resigned his seat, appeared, produced his credentials, and took his seat in the House.

The House proceeded to the consideration of the amendments proposed by the Senate to the bill entitled "An act to regulate the claims to Invalid Pensions." Whereupon,

The amendments of the Senate to the bill to regulate claims to Invalid Pensions, were taken into consideration. Being read, it was moved that the bill should be recommitted to a Committee of the Whole.

This motion was objected to, as it would set the whole subject afloat, and might in its consequences preclude the Senate from an opportunity of receding from their amendments, and agreeing to the bill as it passed the House.

In answer to this objection, it was said, that the amendments involved an entire new principle, a principle which had not been discussed in the House; and that is, they make distinction in the situation of those invalids whose cases have been decided on by the Secretary of War, and that of the persons whose claims have been examined by the judges. The cases of the latter are not recognized by the amendments.

The motion for recommitting was carried in the affirmative, and the subject made the order of the day for to-morrow.

PROMOTION OF THE USEFUL ARTS.

The House again resolved itself into a Committee of the Whole House on the bill to amend an act entitled "An act to promote the progress of Useful Arts."

The motion offered by Mr. WHITE, the purport of which is, to amend the first section by striking out what relates to the Director of the Mint, and inserting a clause which provides for the appointment of an officer to be denominated "the Director of Patents," was further considered.

Mr. LIVERMORE objected to the form of the amendment as indirectly providing for a new establishment.

Mr. WHITE withdrew his motion, and offered the following, in substance, in lieu of it:

"That an office shall be established for the purpose of granting patents, vesting in the authors of useful inventions and discoveries the exclusive right to their inventions and discoveries: said office to be under the direction of an officer to be denominated ——."

Mr. LIVERMORE said he liked this motion, because it brought the subject directly before the Committee. This object, however, he disliked; it sounded like a provision for granting —— dollars per annum—a sound which he was always averse to. He was altogether in favor of devolving the business on some officer already appointed: the Secretary of State he mentioned as a proper officer to superintend this subject.

Mr. PAGE said he should not agree to the amendment if he thought a salary would be the consequence. He supposed that provision might be made for the officer without recurring to a salary: he alluded to fees from the patentees. He objected to devolving the subject on the officer of the Mint, or of the Secretary of State, as interfering with the essential duties of those officers; and, though the gentlemen at present in those offices are abundantly qualified to execute the duty, yet it may happen that persons may hold those appointments at some future time not qualified for this particular service.

Mr. MURRAY observed that the amendment contemplated the appointment of one officer only, and that to be fixed at the seat of Government. He suggested several considerations in favor of investing the Judges of the District Courts with the power of granting patents in the several States, for the greater accommodation of the citizens, and the more extensive encouragement of genius. He was in favor of giving greater facility to the issuing of patents than has hitherto been considered as advisable.

Mr. WHITE said he thought the gentleman's idea would not do, as patents might be issued in the different parts or extremes of the Union for the same invention.

Mr. MURRAY said that he conceived a remedy for this inconvenience might easily be devised.

Mr. BOUDINOT said that one great objection to the present mode of obtaining patents was, the great delay and expense incurred by the applicants in being obliged to wait till the officers now empowered to decide on applications could find leisure, from the special duties of their offices, to attend to them. With respect to devolving the duty on the judges, he hoped that would not be done; as it would be found, judging from the engagements of the District Judge of Pennsylvania, that they could not possibly attend to the business.

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Mr. BALDWIN objected generally to any amendment which should provide for the institution of a new department. His opinion was, that no office should be created till there was an absolute necessity for it. He entered into a brief consideration of the subject, and attempted to show that the business might with ease and convenience be attended to by some officer already appointed.

Mr. WILLIAMSON, adverting to the principles of the bill, said it was an imitation of the Patent System of Great Britain; that the provisions were such as would circumscribe the duties of the deciding officer within very narrow limits; the settlement of disputes arising from contested claims will devolve on referees altogether. He was decidedly opposed to creating a new Department—expense to the Government would be the inevitable consequence. The question on Mr. WHITE'S motion was negatived.

Mr. MURRAY said, he intended to move to strike out "Director of the Mint," for the purpose of inserting "the Judge of the District wherein the applicant might reside." As he thought the bill of great consequence as it related to the useful and ornamental arts, he would trouble the Committee with his reasons. He thought it was of consequence that, while the law holds out an invitation to genius, the mode of gratifying the fair and honest inventor should be as easy as possible. The Director of the Mint must reside at the Seat of Government; and, if he alone, or any other person, were exclusively empowered to issue patents, the benefits of invention would be but very partially enjoyed by the citizens who reside at a distance from the Seat of Government. The law ought to facilitate the granting of patents; and, as the right of exclusive enjoyment, at least for a limited term, was inherent in all equally, in every part of the nation, so all should, as far as possible, have equal facility in making their pretensions known and effectual. A country in Europe (Great Britain) had afforded, it was true, much experience on the subject; but regulations adopted there would not exactly comport in all respects either with the situation of this country, or with the rights of the citizen here. The minds of some members had taken a wrong direction, he conceived, from the view in which they had taken up the subject under its analogy with the doctrine of patents in England. There is this strong feature which distinguishes that doctrine in that country from the principles on which we must settle it in this. These patents are derived from the grace of the Monarch, and the exclusive enjoyment of the profits of a discovery is not so much a right inherent as it is a privilege bestowed and an emanation of prerogative. Here, on the contrary, the citizen has a *right* in the inventions he may make, and considers the law but as the mode by which he is to enjoy their fruits. England in one entire kingdom. Its Court is the scene where its prerogative diffuses its bounties, and, being stationed at London, the business can be well managed in a single spot. Here, on the contrary, there are fifteen States, sovereign as to many purposes, and forming within themselves centres of

attraction for the ingenious and aspiring. London, in that country, not only attracts as the mart of genius and of all that contributes to ease or gain, but, by its immense combination of things, aids invention, and draws the genius into action which it may have attracted. But we are differently circumstanced, both as to local situation, and as to the thing as it regards the *principle* on which it is to be obtained. The distance from the extremes of the Union, or from its centre to its extremes, is very great. If the power were lodged with the District Judges, the citizen of ingenuity would have an opportunity of taking a patent certainly with more ease than if you oblige him to take a journey of perhaps six or eight hundred miles. The facility of enjoyment would prove an incentive to invention. Difficulty and distance would discourage it, and would frequently overpower the wish to obtain a patent for a discovery the profits of which would often be doubtful.

One and but one objection had been made to this alteration: that if the District Judges have the power, patents may issue in different places for the same discovery. This would be an evil, but is not without a remedy. Patents are matters of record. Let it be the duty of the Judge, immediately after the granting of a patent, to transmit a copy of the application, with all the necessary description of the article, to the Supreme Court, from which it may be easily disseminated to every District Court, and through the United States. An inventor desirous of obtaining a patent, would, of course, examine the patent records to see whether he had been anticipated. The grant of a patent does not destroy a claim or right founded in priority. Here he would observe, that, if the inconvenience were not entirely removed by this measure which he proposed, neither was the inconvenience of clashing claims as to originality and priority of discovery removed by any provision of the bill as it stands; nor could human ingenuity, perhaps, devise a complete mode in which it could be obviated. If a man who is really the inventor, chooses to try his title as to the originality of the invention, even after a patent is given to another, he will make and vend the article, and the solid title will be tried before a jury in an action brought against him by the patentee. If the measure he proposed were not deemed a sufficient guard, he would suggest the propriety of a further caution: Let the application be published and remain in the office, as in England it does (he believed) two months in the office of the Attorney General, that a *caveat* may be entered by any man who might claim or dispute the applicant's title.

He believed that the bill, either as it tended to foster the genius of men, or was considered with respect to distant emolument and national character, was extremely important. It was almost immediately one of those laws that embraced national views and national citizenship, and looked to an object of advantage which nothing but a National Government could secure. Without the aid of a General Government, the genius of the Americans could not reap its fruits. Nor had the

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State Governments given a fair occasion for the display of the ingenuity which he believed existed in the country. As to this great object, which requires national citizenship, the State laws were impotent. He thought that it was of consequence that no invention, however small or irrelative it might at first appear, should be lost; and, where he saw the idea of a patent law ridiculed by some, and unattended to by others, he believed they were accustomed to take things in their appearances, and had not exerted their reflection. A little reflection would teach us that whatever is great and astonishing in the works of art was humble in its origin, had been opposed by ignorance or cramped by poverty, and had become important but by gradual accumulation and a very slow progression; and that the wisdom of Government should be exerted in forming a repository, where nothing that might eventually be of service should be suffered to perish. He therefore wished to see such a law as would not only secure what might be offered near the Seat of Government, but invite and draw forth the useful invention of those who lived at a distance. That it should present an easy method of granting its protection, he therefore moved, that the Judge of the District wherein the applicant may reside, should be substituted for Director of the Mint.

Mr. WILLIAMSON offered a few objections to this motion, the question on which was taken, and decided in the negative.

On motion of Mr. SNEDECOR, "Director of the Mint" was stricken out, and "Secretary of State" inserted.

Mr. WHITE moved an amendment by way of proviso, the purport of which is, to preclude the inventor of an improvement to a machine from using the original invention, or the author of the original machine from using the improvement. This motion, after some opposition, was agreed to.

Mr. WILLIAMSON moved an amendment to the second section, which provides that the requisite oath or affirmation may be taken before any Judge of the United States, or of any particular State, or any person authorized to administer an oath in the place where the applicant resides. Agreed to.

Mr. WILLIAMSON proposed another amendment, which should vest a discretionary power in the officer to dispense with the production of a model when he should think proper. Agreed to.

The Committee proceeded in the discussion of the bill as far as the seventh section; they then rose and reported progress, and the House adjourned.

THURSDAY, January 31.

A message from the Senate informed the House that the Senate have agreed to to the amendments proposed by this House to the bill entitled "An act regulating Foreign Coins, and for other purposes," with an amendment to the last amendment; to which they desire the concurrence of this House. The Secretary also brought to the House a Letter, received and read in the Senate, from Monsieur Le Brun, heretofore Royal Com-

missioner at the Tribunal of the District of Coutances, in France, addressed to the Congress of the United States, stating the delay of payment of a debt due to the heirs of Jerom Michael Le Brun, late an officer in Armand's Legion, for services in the United States during the late war.

A petition of Brown & Francis, of Providence, in the State of Rhode Island, merchants, was presented to the House and read, praying to be allowed the amount of the drawback on a quantity of gin and codfish, exported from the port of Providence, and duly landed at Calcutta, in the East Indies, and St. Eustatia, in the years 1791 and 1792, of which they are possessed of sufficient evidence, although not in the form prescribed by law.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. GROVE, from the committee appointed, presented a bill to reimburse Henry Emanuel Lutterloh for expenses incurred in coming to America to join the Army of the United States; which was received, read twice, and committed.

Mr. PARKER, from the committee appointed, presented a bill to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States; which was received, and read twice and committed.

PROMOTION OF THE USEFUL ARTS.

The House again resolved itself into a Committee of the Whole House on the bill to amend an act entitled "An act to promote the progress of Useful Arts."

The seventh section was read; some amendments were proposed, but disagreed to.

A motion was made to strike out the 8th section, for the purpose substituting another, which should provide, that all interfering claims for patents, should be determined at the option of the parties, either by the Secretary of State, or by arbitrators, &c. This motion gave rise to debate. It was at length moved to amend the motion, by striking out all the words after "Secretary of State;" this motion was not agreed to. Various other amendments to the motion were moved, and last, it was finally agreed to the following modification: *That interfering applications for patents shall be determined by the Secretary of State; or, if all parties require it, by arbitrators, &c.*

The motion for striking out the 8th section, and inserting the amendment, was put, and agreed to.

The Committee finished the discussion of the bill; they then rose and reported the same with amendments, which were laid on the table.

FRIDAY, February 1.

The Letter from Monsieur Le Brun, communicated in a message from the Senate yesterday, was read, and ordered to be referred to the Secretary of the Treasury, with instruction to examine the matter thereof, and make report thereupon to the House.

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Promotion of the Useful Arts.

[FEBRUARY, 1793.]

The House proceeded to the consideration of the amendment proposed by the Senate to the last amendment of this House to the bill entitled "An act regulating Foreign Coins, and for other purposes:" Whereupon,

Resolved, That this House doth agree to the said amendment to the amendment.

The House resolved itself into a Committee of the Whole House on the amendments proposed by the Senate to the bill entitled "An act to regulate the claims to Invalid Pensions;" and, after some time spent therein, the Chairman reported that the Committee had had the said amendments under consideration, and directed him to report to the House their agreement to some and disagreement to others of the said amendments. The House proceeded to consider the said report and amendments: Whereupon,

Resolved, That this House doth agree to the amendments to the first and second sections; and doth disagree to the amendments to the fourth and fifth sections of the said bill.

The House proceeded to the consideration of the amendments reported yesterday by the Committee of the Whole House to the bill to amend an act entitled "An act to promote the progress of Useful Arts;" and, the same being read, were agreed to. And then, the said bill being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed and read the third time on Monday next.

A petition of James Montgomery, master and commander of the revenue cutter called the General Greene, in behalf of himself and the officers of the said cutter, was presented to the House and read, praying that the compensation allowed by law to the officers and crews of revenue cutters may be augmented, and rendered more adequate to their services.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial and petition of the manufacturers of cordage, lines, twine, and packthread, in Philadelphia, was presented to the House and read, praying that so much of the existing revenue laws of the United States as allows a drawback on foreign cordage, lines, twine, and packthread, may be repealed, and the duties imposed on said articles increased; and that the duty on hemp, when manufactured within the United States, and exported therefrom, may be refunded to the exporter.

Ordered, That the said memorial and petition be referred to the committee to whom was referred, on the 22d ultimo, the memorial of the manufacturers of cordage, lines, and packthread, of Providence, in the State of Rhode Island; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

PROMOTION OF THE USEFUL ARTS.

The amendments to the bill to amend the act, entitled an act to promote the progress of Useful Arts, were taken into consideration; some amend-

ments being made to these amendments, the whole were agreed to; additional amendments were proposed; among others,

Mr. MURRAY moved to add the words "being citizen or citizens of the United States," after the words *person or persons*; the object of which is, to prevent foreigners from obtaining patents in this country for inventions which they have already obtained patents for in Europe; by which means the citizens of the United States might be prevented from obtaining patents for the same, or similar inventions.

This motion was agreed to.

Mr. KITTEBA moved to reduce the period for which patents should be granted, from fourteen to ten years; this motion was negatived. The bill was then ordered to be engrossed for a third reading to-morrow.

MONDAY, February 4.

An engrossed bill to amend an act entitled "An act to promote the progress of Useful Arts," was read the third time and passed.

The House proceeded to consider the report of the Secretary of the Treasury on the petition of Alexander Contee Hanson, which was made on the 30th of April last: Whereupon,

Resolved, That the Accounting Officers of the Treasury be authorized to liquidate and pay the account of Alexander Contee Hanson, for traveling expenses and attendance at New York as one of the Judges appointed by the General Government to determine a controversy between the States of South Carolina and Georgia, which was, without his knowledge, compromised; and that the allowance be the same as that provided by law for the traveling expenses and attendance of the present members of Congress.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. MERCER, Mr. PAGE, and Mr. STURGES, do prepare and bring in the same.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a report, and sundry statements marked A, B, C, D, E, and F, made in pursuance of the resolutions of this House of the 23d ultimo; which were read and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act respecting fugitives from justice and persons escaping from the service of their masters;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, do lie on the table.

TUESDAY, February 5.

The House resolved itself into a Committee of the Whole House on the bill to authorize the Comptroller of the Treasury to settle the account

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of Thomas Wishart, late a Lieutenant in the Army of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Resolved, That a committee be appointed, to join such committee as may be appointed by the Senate, to ascertain and report the mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons who shall be elected of their election, and to regulate the time, place, and manner of administering the oath of office to the PRESIDENT.

Ordered, That Mr. WILLIAM SMITH, Mr. MADISON, and Mr. LAURANCE, be of the said committee on the part of this House.

The House resolved itself into a Committee of the Whole House on the bill to repeal part of a resolution of Congress of the 29th of August, 1788, respecting the inhabitants of Post St. Vincents; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. And then, the said bill being amended at the Clerk's table, was, together with the amendment, ordered to be engrossed and read the third time to-morrow.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for allowing a compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, to commence from the 4th day of March next; and that Mr. SEDGWICK, Mr. DAYTON, and Mr. BARNWELL, be the said committee.

The House proceeded to consider the bill sent from the Senate entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," which lay on the table: Whereupon, the said bill, together with the amendment agreed to yesterday, was read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 48, nays 7, as follows:

NAYS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, Amasa Learned, Richard Bland Lee, George Leonard, Nathaniel Macon, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, William Smith, John Steele, Thomas Sumpter, Thomas Tudor Tucker, Jeremiah Wadsworth, Alexander White, Hugh Williamson, and Francis Willis.

YEAS.—Samuel Livermore, John Francis Mercer, Nathaniel Niles, Josiah Parker, Jonathan Sturges, George Thatcher, and Thomas Tredwell.

The House resolved itself into a Committee of

the Whole House on the report of the committee to whom was referred the petition of Woodrop and Joseph Sims; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the remission of duties on a quantity of salt and wines entered at the port of New York, which, together with the ship, was lost on the passage from thence to Philadelphia, in March last, ought to be granted, agreeable to the prayer of the petitioners.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. KEY, Mr. GROVE, and Mr. TUCKER, do prepare and bring in the same.

Mr. MERCER, from the committee appointed, presented a bill to make compensation to Alexander Contee Hanson; which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the motion of the 18th ultimo, for making provision of half-pay for seven years, to the widows and orphans of certain officers of the Army of the United States; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. KEY reported that the Committee had, according to order, had the said motion under consideration, and come to a resolution thereupon; which he delivered in at the Clerk's table, where the same was twice read, and agreed to by House, as follows:

Resolved, That provision of half-pay for — years to the widows and orphans of such officers of the Army of the United States, as have been killed in the service, since the fourth day of March, one thousand seven hundred and eighty-nine, or who may hereafter be killed in the service of the United States, ought to be made by law.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. HARTLEY, Mr. WADSWORTH, and Mr. GREENUP, do prepare and bring in the same.

A message from the Senate, informed the House, that the Senate disagree to the bill, entitled "An act to authorize a Loan in the certificates or notes of such States, as shall have balances due to them upon a final settlement of accounts with the United States." The Senate also insist on their amendments, disagreed to by this House, to the fourth and fifth sections of the bill, entitled "An act to regulate the claims to Invalid Pensions," and desire a conference with this House on the subject-matter of the said amendments; to which conference, the Senate have appointed managers on their part: The Senate have also agreed to the amendment, proposed by this House, to the bill, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters." The Senate have also passed the bill, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations.'"

The House proceeded to consider so much of the

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Pensions to Disabled Officers, &c.

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said message, as desires a conference on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to regulate claims to Invalid Pensions." Whereupon.

Resolved, That this House doth agree to the said conference, and that Mr. SEDGWICK, Mr. GILES, and Mr. BOUDINOT, be appointed managers at the same on the part of this House.

The House resolved itself into a Committee of the Whole House on the bill to reimburse Henry Emanuel Lutterloh, for expenses incurred in coming to America, to join the Army of the United States during late war; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. HARTLEY, from the Committee appointed presented a bill to make provision of half-pay to the widows and orphans of certain officers; which was received, read twice and committed.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill to authorize the adjustment of a claim of Joseph Henderson, against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The bill was then ordered to be engrossed, and read a third time to-morrow.

WEDNESDAY, February 6.

A memorial of the officers of the Rhode Island line of the late American Army, in behalf themselves and the soldiers of said line, was presented to the House and read, praying that the depreciation which accrued on the certificates of debt granted them for military services during the late war, may be made good, or such other relief afforded them, as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie on the table.

A petition of John Rogers was presented to the House and read praying compensation for certain lands on the Mississippi river, granted him by the State of Virginia, for his services as an officer in the line of the said State, prior to the cession made to the United States, of the Territory Northwest of the river Ohio; the title to which lands has since been ceded to the Chickasaw Indians, by the treaty of Hopewell, in the year one thousand seven hundred and eighty-six.

Ordered, That the said petition be referred to Mr. PAGE, Mr. LIVERMORE, and Mr. CLARK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

An engrossed bill to repeal part of a resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents, was read the third time and passed.

An engrossed bill to authorize the Comptroller of the Treasury to settle the accounts of Thomas

Wishart, late a Lieutenant in the Army of the United States, was read the third time and passed.

An engrossed bill to reimburse Henry Emanuel Lutterloh for expenses incurred in coming to America, to join the Army of the United States, during the late war, was read the third time and passed.

An engrossed bill to authorize the adjustment of a claim of Joseph Henderson against the United States, was read the third time and passed.

Mr. SEDGWICK, from the committee appointed, presented, according to order, a bill providing compensation to the PRESIDENT and VICE-PRESIDENT OF THE UNITED STATES, which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of War, to whom was referred the petition of Simeon Thayer; and, after some time spent therein, the Chairman reported, that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That Simeon Thayer, late a Major in the Army of the United States, who was disabled at the battle of Monmouth, be placed on the pension list of the United States; that he be allowed the half-pay of a Major, from the first of January, one thousand seven hundred and eighty-one, provided he return his commutation of half-pay, with interest thereon.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. BENJAMIN BOURNE, Mr. GILMAN, and Mr. ISRAEL SMITH, do prepare and bring in the same.

The House proceeded to consider the report of the committee on the petition of Elijah Bostwick: Whereupon,

Resolved, That there be allowed and paid to the said Elijah Bostwick, the sum of fifty-eight pounds, three shillings and four pence, current money of New York, being the amount of costs which he incurred in defending a suit commenced against him, as agent to the deputy Commissary General of the Northern Department, on public account.

Ordered, That a bill be brought in pursuant to the said resolution, and that Mr. SYLVESTER, Mr. KEY, and Mr. GROVE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the engrossed bill to compensate John Tucker; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time, immediately.

An engrossed bill to compensate John Tucker, was read the third time; and, on the question that the said bill pass, it passed in the negative. And so the said bill was rejected.

PENSIONS TO DISABLED OFFICERS, &c.

Mr. GREENUP's resolution for placing on the pension list all such officers and privates of the

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militia as are or may be wounded in the service, and who are not provided for by law, was taken up in Committee of the Whole. The resolution was read by the Chairman.

Mr. GREENUP supported this resolution by observing that, as the militia was now called into service by the General Government, it was reasonable to make provision for such as may be wounded or disabled. Except this was done, he conceived that the United States would find it extremely difficult to procure an effective militia force on any occasion. Indeed, it was to be imputed to this cause that the militia had hitherto discovered so great a backwardness in turning out; and that those who had been in service were so indifferent, being principally substitutes. He added some remarks on the justice and good policy of making the provision; nor did he conceive that the increase of the pension list was a sufficient reason to prevent making that provision, when it is considered how important a subject is a competent defence to our frontiers.

Several gentlemen objected to the resolution as involving a very great and increasing expense. The increase of the pension list, it was said, ought not to be thought lightly of in a republican Government. It was said that, in the Militia law, the object of the resolution was in a great measure provided for; it does not, indeed, look back; but provision for particular persons may be made without going to an unlimited retrospective view of the case. The resolution was modified to refer to such officers, non-commissioned officers, and privates of the militia as have been wounded or disabled since the — day of —, or who shall hereafter be wounded or disabled in the service of the United States.

The debate was continued to a considerable length, in which the difference between the militia and the regular troops was stated. The latter, it was said, abandon every other pursuit and occupation when they engage in the service; and, in cases of wounds and disabilities incurred in the public service, are left absolutely without any other resource than the provision made for them by the public as pensioners. With respect to the militia, they are commonly persons of property, who leave their respective occupations for a time; and when the service is performed they have their farms and their various occupations to return to. It was said that it would be unspeakably better to pay the militia at an enhanced rate—such a rate as may be sufficient to induce them to turn out. That extending the system of pensions in the manner contemplated, would render the matter complex, extensive, and enormously expensive—while at the same time it would subject the public to innumerable impositions.

A motion was made that the Committee should rise, and that the resolution should be referred to the committee which reported the bill providing half-pay to the widows and orphans of the officers of the regular troops. After further debate, this motion was put and negatived.

The question on agreeing to the resolution, as modified, was then put and agreed to.

Mr. BARNWELL moved an additional resolution, which was agreed to; the purport of which was to regulate the mode of ascertaining the nature and degree of the disabilities, and the annual allowance to be granted for the same.

The Committee then rose and reported the two resolutions to the House, as follows:

Resolved, That provision ought to be made by law for placing such officers, non-commissioned officers, and privates, of the militia, as have been disabled in the service of the United States, since the — day of —, or shall hereafter be disabled in such service, on the pension list.

Resolved, That provision ought to be made by law for establishing such regulations as may be necessary to ascertain the nature and degree of such disabilities, and the annual allowance to be made for the same."

The House adopted the resolutions, and referred them to a select committee, with instructions to report a bill.

THURSDAY, February 7.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House, of the fifth instant, for the appointment of a joint committee to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons who shall be elected, of their election, and for regulating the time, place, and manner of administering the oath of office to the PRESIDENT; and have appointed a committee for that purpose on their part.

Mr. BENJAMIN BOURNE, from the committee to whom were referred the memorials of the manufacturers of cordage, lines, twine, and packthread, of Philadelphia and Providence, made a report; which was read, and ordered to be referred to the consideration of a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill providing compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And then a motion being made and seconded further to amend the said bill at the Clerk's table, by adding to the end thereof the following section, to wit:

"And be it further enacted, That this act shall continue in force for, and during the term of, four years, from the third day of March next, and no longer."

It passed in the negative—yeas 27, nays 33, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, John Steele,

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Thomas Sumpter, Thomas Tredwell, Abraham Venable, and Alexander White,

NAVS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, James Hillhouse, William Hindman, Daniel Huger, Philip Key, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, William Vans Murray, Nathaniel Niles, John Page, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Mr. KEY, from the committee appointed, presented a bill for the remission of the duty on a quantity of wines, the property of Woodrop and Joseph Sims; which was received, and read twice and committed.

Mr. BENJAMIN BOURNE, from the committee appointed, presented a bill for the relief of Simeon Thayer; which was received, read twice and committed.

Mr. KEY, from the committee appointed, presented a bill to refund to Jacob Bell certain duties on pickled fish; which was twice read and committed.

The House proceeded to consider the report of the committee on the petition of Robert Heaton; Whereupon,

Resolved, That it is advisable that the several impost laws of the United States, so far as they may be deemed to impose a duty on horses, and other useful beasts imported into the United States for breed, be repealed.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. BENSON, Mr. SEDGWICK, and Mr. MADISON, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred, on the sixteenth of April last, the petition of the inhabitants of Newark, in New Jersey; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to no resolution thereupon.

FRIDAY, February 8.

An engrossed bill providing compensation to the PRESIDENT and VICE PRESIDENT of the United States was read the third time and passed.

Mr. SYLVESTER, from the committee appointed, presented a bill for the relief of Elijah Bostwick; which was read twice and committed.

A memorial of the officers of the late American Army, now residing in the State of South Carolina, in behalf of themselves, and the non-commissioned officers and privates of the said Army, was presented to the House and read, praying that the depreciation which accrued on the certificates of debt granted them for military services during the late war, may be made good, or such other relief

afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie.

A memorial of the merchants and inhabitants of the towns of Norfolk and Portsmouth, in the State of Virginia, was presented to the House and read, stating the inconveniences under which they labor from the number of sick and disabled seamen that daily frequent that port, and praying that a tax may be imposed on all vessels or seamen, for the purpose of establishing, in or near the seaport towns of the United States, marine hospitals, for the reception and support of sick and disabled seamen; or that such other regulations may be adopted, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the bill for the relief of sick and infirm seamen.

The House resolved itself into a Committee of the Whole House on the bill to make provision of half-pay to the widows and orphans of certain officers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the bill, with the amendments, do lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment; and the same being read, was agreed to.

Ordered, That a committee be appointed to prepare and bring in a bill to establish fees in the Treasury Department, for the transfer of public securities, and that Mr. CLARK, Mr. FINDLEY, and GERRY, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill for the remission of the duty on a quantity of wines, the property of Woodrop and Joseph Sims; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. And, on the question that the said bill be engrossed, and read the third time, it passed in the negative; and so the said bill was rejected.

A message from the Senate informed the House that the Senate disagree to the bill, entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina." The Senate have passed the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," with several amendments; to which they desire the concurrence of this House.

SATURDAY, February 9.

A petition of the French inhabitants of Gallipolis was presented to the House and read, pray-

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ing that the title to certain lands in the territory of the United States Northwest of the river Ohio, which they purchased from the agent of the Scioto Company, in 1790, may be confirmed to them.

Ordered, That the said petition be referred to Mr. WADSWORTH, Mr. SEDGWICK, Mr. FINDLEY, Mr. WHITE, and Mr. BARNWELL; that they do examine the matter thereof, and report their opinion thereupon, to the House.

A petition of the officers of the Georgia line of the late Army of the United States, on behalf of themselves and the non-commissioned officers and soldiers of the said line, was presented to the House and read, praying that the depreciation which accrued on the certificates of debt granted them for military services, during the late war, may be made good, or such other relief afforded them as the present circumstances of the United States will admit. Laid on the table.

Ordered, That the amendments proposed by the Senate to the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," be referred to Mr. GOODHUE, Mr. FITZSIMONS, and Mr. PARKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorials of the manufacturers of cordage, lines, twine, and packthread, of Philadelphia and Providence; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and directed him to report to the House their disagreement to the same.

The House proceeded to consider the said report; and, on the question, that the House do agree with the Committee of the Whole House in their disagreement to the same; it passed in the affirmative; and so the said memorials were rejected.

Mr. CLARK, from the committee appointed, presented a bill to establish fees to be paid on the transfer of public securities; which was read twice and committed.

Mr. GOODHUE, from the committee to whom were referred the amendments proposed by the Senate to the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and regulating the same," made a report; and, the same being read, the House proceeded to consider the said report and amendments: Whereupon,

Resolved, That this House doth agree to the said amendments.

A message from the Senate informed the House that the Senate disagree to the bill, entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services rendered during the late war."

MONDAY, February 11.

An engrossed bill for the relief of Simeon Thayer was read the third time and passed.

The SPEAKER laid before the House a Letter from the Postmaster General, respecting a tax imposed on the proprietors of the lines of stages, by a late law of the State of New Jersey; which was read, and ordered to be referred to the committee appointed to take into consideration that part of the PRESIDENT'S Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session, for the regulation of the Post Office.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act providing compensation for the PRESIDENT and VICE PRESIDENT of the United States."

THE PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House on so much of the Report of the Secretary of the Treasury, made the third of December last, as relates to a plan for the redemption of the Public Debt. The Report being read:

Mr. GILES adverted to the imperfect state of the information before the House, relative to the state of the funds, particularly as the resolutions calling for this information had not yet been complied with, and he was apprehensive the requisite statements would not be furnished during the present session: this being the state of things, he thought the Committee were not in a situation to go into a discussion of the subjects of the new loans and new taxes, without further light; he moved therefore that the Committee should rise. This motion was seconded.

Mr. FITZSIMONS was opposed to the motion. After briefly stating the importance of the subject, the general expectation of the people that something would be done the present session relative to a provision for reducing the Public Debt, the duty of the Government to avail itself of the right reserved to it of paying off a part of the Debt, the state of the Treasury, the material information already received from the Secretary, the actual surplus in the Treasury, &c., concluded by saying, that he hoped the Committee would not rise, but go into a discussion of the subject, take up the propositions offered by the Secretary, and adopt or reject them, as their merits shall dictate, or agree to others which may be brought forward by any member of the Committee.

Mr. SMITH, of South Carolina, alluding to the Speech of the PRESIDENT OF THE UNITED STATES, respecting this particular object, and the answer of the House thereto, gave a short account of the progress of the business in the House; it had been neglected ever since the 30th November, though the Secretary's Report has been in its possession ever since that period.

For the Committee then to rise, would be tantamount to a relinquishment of the object of the present session. He stated several particulars to show that it was probable the existing funds would be adequate to the object in some degree, without being obliged to have recourse to new taxes. He said, that he had been informed a gentleman of the Committee had prepared some resolutions re-

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The Public Debt.

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lative to the subject; he hoped, therefore, that the Committee would not rise, but that the gentleman would produce his resolutions; that the Committee would take them into consideration, and at least take such steps in the matter as would manifest some disposition to meet the wishes of the people, and justify the professions made by so great a number of the members of the Legislature.

Mr. GILES repeated his objections, arising from the imperfect state of the information before the House: adverting to the PRESIDENT'S Speech, he said, the propositions before the Committee were in direct opposition to the Speech. The Speech does not contemplate any new taxes, but the reverse. The propositions directly propose them. He was as much disposed as any member to go into measures for a reduction of the Debt; it was an object he much desired; but he called on gentlemen to show how this could be done with any propriety, when the most important and most necessary information respecting the funds is not in their possession.

Mr. LAURANCE adverted to the resolutions brought forward a few days since by Mr. GILES; and going over them one by one, he asked what connexion the present subject had with a solution of the principal part of the inquiries contained in those resolutions? The most important information expected from the requisitions contained in the resolutions, he observed, was in the possession of the House, particularly that which had any bearing on the present matter. He was opposed to the motion for the Committee's rising.

Mr. MERCER said, he saw no good end that would result from the Committee's rising. Had he the least suspicion that the project of the Secretary of the Treasury would be adopted, he would be one of the last that would rise in support of a motion to go into the discussion at the present time; but he had no such expectation. He then entered into a consideration of the documents before the House, received from the Secretary of the Treasury; he observed they were inaccurate, defective, and imperfect; they do not furnish the requisite information as to the expenditures of the public moneys which have been already paid by the people. He showed the impropriety of laying any new taxes until satisfaction was had relative to the sums already paid; the people would not consider their interest consulted until this was done. He then urged several reasons in favor of a postponement of a *permanent* provision for the reduction of the Public Debt, till a more competent representation was on the floor; that it was extremely improper for the reliques of an imperfect representation at the close of the session to go into the consideration of so important business. He professed his wishes that provision should be made for the reduction of the Public Debt, and concluded by suggesting, that a temporary provision only be made the present session; further than this, he thought, it would be improper to go in the present state of affairs.

Mr. FITZSIMONS observed, that the gentleman

last speaking furnished him with an opportunity to suggest to the consideration of the Committee some ideas he had revolved in his own mind respecting a temporary provision. He then pointed out resources within the control of the Legislature that might be applied to this object, without recurring to new taxes, specifying the sum that would be wanted to begin the operation; he mentioned a particular surplus, and the Bank dividend as being adequate to the object.

Mr. CLARK said, he wanted information as well as the gentleman from Virginia; but he saw no use in the Committee's rising; they would get up where they sat down, if they should now rise. He wished the propositions which had been mentioned were brought forward, that they might be considered; but there was another subject which he thought had a prior claim to attention, and that was the debt due the Bank: in December that business was pushed with great zeal; since that time nothing had been said about it; this appeared mysterious.

Mr. LAURANCE rose to explain the state of the matter respecting the debt due to the Bank. The subject had been suspended, in order that the House might receive complete information as to the state of the public funds.

Mr. PAGE offered some general remarks on the Report of the Secretary of the Treasury, which he said, were considered by many persons as exceptionable in all its parts. He had his objections to it. He wished the whole subject to revert to the consideration of the Legislature, and had therefore seconded the motion for the Committee to rise, as the most delicate mode of giving the subject the go by.

Mr. MADISON defended an observation brought forward by Mr. GILES, which was, that there was a manifest impropriety in bringing forward abstract propositions for discussion, when it was not known what consequences were involved in the adoption of those propositions. Mr. MADISON stated a variety of particulars to show that such abstract propositions are improper. He professed his wishes that some provision should be made for reducing the debt; he believed his colleague was sincere in his professions to the same purpose. He recapitulated some of the objections arising from the imperfect state of the information before the House.

Mr. GILES withdrew his motion; his object in doing so was to give an opportunity for bringing forward the propositions which had been alluded to.

Mr. FITZSIMONS, after offering some remarks in answer to observations which had been made, tending to impeach his consistency and sincerity in the present case, read two propositions, the purport of which is, that an annual fund be constituted, to consist of one hundred and three thousand one hundred and ninety-nine dollars and six cents, to begin to accrue the first day of January, 1793; and that a loan to the amount of five hundred and fifty thousand dollars be made.

These being read by the Chairman, Mr. GILES renewed his motion for the Committee to rise.

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Mr. MADISON objected to these resolutions, as being abstract propositions.

Mr. VENABLE objected to them; he informed the Committee that in the course of the discussion he should move to apply the Sinking Fund to the object now under consideration.

Mr. MERCER objected to diverting the Sinking Fund from its appropriate object.

The Committee then rose and reported progress, and had leave to sit again.

EXAMINING VOTES FOR PRESIDENT, &c.

Mr. WILLIAM SMITH, from the committee appointed on the part of this House, jointly, with a committee appointed on the part of the Senate, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT of the United States, and for other purposes expressed in the resolution of the fifth instant, made a report; which was twice read, and agreed to by the House, as follows:

"That the two Houses shall assemble in the Senate Chamber on Wednesday next, at twelve o'clock: That two persons be appointed tellers on the part of this House, to make a list of the votes as they shall be declared: that the result shall be delivered to the PRESIDENT of the Senate, who shall announce the state of the vote, and the persons elected, to both Houses, assembled as aforesaid, which shall be deemed a declaration of the persons elected PRESIDENT and VICE PRESIDENT, and, together with a list of the votes, be entered on the Journal of the two Houses."

Ordered, That Mr. WILLIAM SMITH, and Mr. LAURANCE, be appointed tellers on the part of this House, pursuant to the said report.

TUESDAY, February 12.

Mr. BENSON, from the committee appointed, presented a bill for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties heretofore accrued on such importations, in the cases where they have only been secured to be paid; which was twice read and committed.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Elijah Bostwick; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have agreed to the report of the Joint Committee appointed to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT of the United States, and for the other purposes expressed in the resolution of the fifth instant, and have appointed a teller on their part, pursuant to the said report.

The House again resolved itself into a Committee of the Whole House on so much of the Report

of the Secretary of the Treasury, made the third of December last, as relates to a plan for the redemption of the Public Debt; and, after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

WEDNESDAY, February 13.

An engrossed bill for the relief of Elijah Bostwick was read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill to refund to Jacob Bell certain duties on pickled fish; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to make compensation to Alexander Contee Hanson; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And on the question, that the said bill, with the amendments, be engrossed and read the third time, it passed in the negative; and so the said bill was rejected.

VOTES FOR PRESIDENT AND VICE PRESIDENT.

A message from the Senate informed the House that a PRESIDENT of the Senate is elected for the sole purpose of opening the certificates, and counting the votes of the several States, in the choice of a PRESIDENT and VICE PRESIDENT of the United States; and that the Senate is now ready, in the Senate Chamber, to attend, with this House, on that occasion.

Resolved, That the SPEAKER, attended by the House, do now withdraw to the Senate Chamber, for the purpose expressed in the said message.

The SPEAKER accordingly left the Chair, and, attended by the House, withdrew to the Senate Chamber, and, after some time, returned to the House.

The SPEAKER resumed the Chair.

Mr. WILLIAM SMITH and Mr. LAURANCE then delivered in, at the Clerk's table, a list of the votes of the Electors of the several States, in the choice of a PRESIDENT and VICE PRESIDENT of the United States, as the same were declared by the PRESIDENT of the Senate, in the presence of the Senate and of this House; which was ordered to be entered on the Journal, and is as follows:

FOR GEORGE WASHINGTON.

New Hampshire	-	-	-	-	6
Massachusetts	-	-	-	-	16
Rhode Island	-	-	-	-	4
Connecticut	-	-	-	-	9
Vermont	-	-	-	-	3
New York	-	-	-	-	12
New Jersey	-	-	-	-	7
Pennsylvania	-	-	-	-	15

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Examining Votes for President, &c.

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Delaware	-	-	-	-	3
Maryland	-	-	-	-	8
Virginia	-	-	-	-	21
Kentucky	-	-	-	-	4
North Carolina	-	-	-	-	12
South Carolina	-	-	-	-	8
Georgia	-	-	-	-	4

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FOR JOHN ADAMS.

New Hampshire	-	-	-	-	6
Massachusetts	-	-	-	-	16
Rhode Island	-	-	-	-	4
Connecticut	-	-	-	-	9
Vermont	-	-	-	-	3
New Jersey	-	-	-	-	7
Pennsylvania	-	-	-	-	14
Delaware	-	-	-	-	3
Maryland	-	-	-	-	8
South Carolina	-	-	-	-	7

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FOR GEORGE CLINTON.

New York	-	-	-	-	12
Pennsylvania	-	-	-	-	1
Virginia	-	-	-	-	21
North Carolina	-	-	-	-	12
Georgia	-	-	-	-	4

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FOR THOMAS JEFFERSON.

Kentucky	-	-	-	-	4
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FOR AARON BURR.

South Carolina	-	-	-	-	1
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The SPEAKER laid before the House two Letters from the Secretary of the Treasury, the first accompanying copies of certain powers, instructions, statements, and correspondence, in relation to foreign loans, transmitted pursuant to the resolutions of this House, of the 23d ultimo; the second of the said Letters, accompanying three several statements in relation to the Sinking Fund, and two other statements of cash in the Treasury during the years 1791 and 1792, also transmitted in pursuance of the said resolutions; which were partly read.

THURSDAY, February 14.

Mr. WADSWORTH, from the committee to whom were referred the petitions of the French inhabitants of Gallipolis, made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" to which they desire the concurrence of this House; also, that the Senate have agreed to a resolution for the appointment of a committee, jointly, with a committee on the part of this House, to wait on the PRES-

DENT, and to notify to him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

Mr. WILLIAM SMITH, from the committee appointed to join such committee as may be appointed on the part of the Senate, to ascertain and report the mode of examining the votes for PRESIDENT and VICE PRESIDENT of the United States, and for other purposes expressed in the resolution of the 5th instant, made a report; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to join such committee as may be appointed by the Senate, to wait on the PRESIDENT, and to notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

Ordered, That Mr. WILLIAM SMITH, Mr. MADISON, and Mr. LAURANCE, be of the said committee, on the part of this House.

The House resumed the reading of the Letters and statements communicated from the Secretary of the Treasury, yesterday, and made further progress therein.

FRIDAY, February 15.

An engrossed bill to refund to Jacob Bell certain duties on pickled fish, was read the third time, and passed.

Mr. BENJAMIN BOURNE, from the committee to whom was referred the petition of sundry printers and booksellers of the city of Philadelphia, made a report; which was read, and ordered to be referred to the Committee of the Whole House to whom is committed the bill for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties heretofore accrued on such importations, in the cases where they have only been secured to be paid.

Mr. GREENUP, from the committee appointed, presented a bill for placing on the pension list such officers and privates of the militia as may be wounded and disabled in the service of the United States; which was read the third time, and committed.

Ordered, That the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" be committed to Messrs. GOODRUE, HINDMAN, and JEREMIAH SMITH.

The House resumed the reading of the Letters and statements communicated from the Secretary of the Treasury, on Wednesday last, and went through the same.

Mr. BENSON, from the committee to whom was referred the bill sent from the Senate, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" reported several amendments thereto; which were read, and ordered to be committed to a Committee of the Whole House on Monday next.

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Transfer of Public Securities.

[H. OF R.]

Mr. GILES, from the committee to whom was recommitment, on the 14th of November last, the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, made a revisionary report; which was read, and, together with the first report, ordered to be referred to the consideration of a Committee of the Whole House on Wednesday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Mr. WILLIAM SMITH, from the committee appointed to join the committee appointed on the part of the Senate, to wait on the PRESIDENT, and to notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES, reported that the committee had performed that duty.

SATURDAY, February 16.

TRANSFER OF PUBLIC SECURITIES.

The House resolved itself into a Committee of the Whole House on the bill to establish fees to be paid on the transfer of public securities.

The bill was read by the Chairman. An amendment was proposed, which was, to strike out the last line of the bill, and to substitute a clause providing for the disposal of the fees, which are to be received by the Comptroller of the Treasury and the Loan Offices.

Mr. FITZSIMONS said he did not know whether he should vote for the bill or not. At present he had his doubts on the expediency of departing from a principle established in the Government, which is, that public officers should be compensated for their services without being authorized to receive any fees. This principle has been adhered to in all cases where it was practicable; and it must appear the most eligible mode, when it is considered how difficult it is to guard against abuses and frauds. He considered it would be extremely difficult, if not impossible, to provide adequate checks.

Mr. BENSON objected to the provision, generally. He considered it as laying a tax on a particular species of property already encumbered with various restrictions, in respect to which there is no option left to one of the parties. The Government has prescribed for its own security a particular process in the subject of transferring public certificates. He saw no reason in imposing a tax in addition to these regulations.

Mr. DAYTON (in replying to Mr. FITZSIMONS) observed, that the process of making the transfers, at the several Loan Offices, would afford an opportunity to provide complete and adequate checks against any abuse in the transaction, or embezzlement of the fees; the names of the parties are always entered in books kept for the purpose, and

these would furnish the necessary criterions. With respect to the objection arising from the provision's operating as a tax, he conceived it did not apply with any greater force than what might be urged against fees imposed on deeds, &c. Mr. D. conceived that, as a host of clerks were employed in the Treasury Department on this business of transfer, which was done for the benefit of individuals, he thought it no more than reasonable that they should pay the expense.

Mr. CLARK followed Mr. DAYTON in a train of similar observations. He said he saw no difficulty in the case; the expense will fall on the speculators only.

Mr. STURGES said, it appeared to him that the bill would operate as an infraction of the law making provision for the Public Debt. He conceived that that law does not contemplate any charge being paid by the proprietors of public securities for transferring the certificates; they never supposed that they would be clogged with any such charge. In this view of the subject, he should be opposed to the bill.

Mr. BENSON replied to Mr. DAYTON's remarks on the tax imposed on deeds; he said the cases are not parallel. In the present case, there is no option to the public creditors; the Government has already prescribed how this business shall be done; it must therefore be considered as a breach of the rights of the creditors. With respect to the expenses falling exclusively on speculators, he said the gentleman was mistaken, and mentioned an instance to show that persons who are not speculators will be subject to the tax. Mr. B. doubted the propriety, however, of a regulation which should operate so partially. He very much doubted the legality of framing a tax that should be pointed at any class of citizens in particular.

Mr. MERCER, after a few introductory remarks on the general utility of public institutions, and the obligation which every citizen is under to support them, remarked, that however true this principle is, yet it is but just that those who derive peculiar personal advantages from these institutions, should pay for those advantages. He applied this reasoning to the case in hand, and observed, that on this principle he thought the provision contemplated by the bill was reasonable and just. With respect to taxing the property in the funds, he remarked, that the subject involved the most extensive considerations. He should not at present enter into a discussion of them; but, he observed, that it was clearly his opinion that that species of property was liable to taxation in common with every other; and this idea he said was sanctioned by the usages and customs of nations.

Mr. BARNWELL said, it appeared to him that the particular regulation established in the Treasury Department was made for the public advantage; if so, he could not see the justice of throwing the expense on individuals. If the bill should be sustained, he contended that the individuals should have the alternative of transferring or not, as is the case in respect to deeds. He should therefore be opposed to the bill, unless some provision for an alternative should accompany it.

Mr. GERRY objected to the bill on general principles. He stated sundry consequences extremely injurious to the public credit, which might be grafted on the principle contained in the regulation proposed.

Mr. BOUNDNOT observed, that when the proposition was first brought forward, he entertained a favorable idea of the provision; he had not, however, till this morning, critically examined the operation of the principle in relation to the contract between the Government and the public creditors. He was indebted, he said, to the gentleman from New York, for the idea of an interference. Mr. B. then analyzed the provision respecting the Public Debt, in order to show that the regulations adopted were considered as final and conclusive; full and complete provision was made to defray the expense by the Government; from hence he deduced this consequence, that the tax contemplated would have a retrospective aspect—would interfere with the stipulations of the contract, and go to injuring the public credit essentially; for, said he, if Congress can lay a tax on the transfer of the public securities, they may extend the principle to such a degree as to interdict all transfers whatever, yea, to taxing the Debt; an idea he conceived totally subversive of public credit.

Mr. DAYTON remarked, that the reasoning of his colleague, and of the gentleman from Massachusetts, [Mr. GERRY,] went too far; it would apply to every species of imposition whatever; and the Government would thereby be in effect precluded from laying any duties on impost and tonnage.

Mr. S. BOURNE was in favor of the bill. He cited precedents from Probate and other offices in the several States, to show that paying fees was customary, and was submitted to by the people. The parties deriving the benefit, it is universally conceived, should bear the expense incurred. With respect to the fees, he conceived the precedent is already established by the Government; fees are paid in the Department of State, these fees are accounted for to the Secretary of the Treasury. He thought a similar mode might be adopted in the present case. Let the fees be paid for the benefit of the United States, and let the several officers account with the head of the Treasury Department for the same, who will account to the Legislature.

Mr. CLARK supported the bill by further remarks. He extended his ideas to taxing the public securities: this expedient, he said, the public exigencies may possibly require. He repeated his observations relative to the number of clerks in the Treasury, employed on the business of transfers: the great expense hereby incurred, he said, was for the advantage of speculators, of which a host was collected in a neighboring city, where, as from a centre, they extended their negotiations to all parts of the Union.

Mr. LAURANCE said, he always considered it as indicative of the badness of a cause, when a person descends to general invectives against public bodies. He alluded to Mr. CLARK's reflection on the City of New York.

Mr. CLARK said, he had not mentioned New York.

Mr. LAURANCE said, his remark was applicable to the gentleman's reflection, let him refer to any city whatever. Mr. L. then entered into a general consideration of the subject, and stated the various steps of the process prescribed by the Funding law in relation to transfers. The deductions he drew were similar to those made by Mr. BENSON.

Mr. MURRAY was against the bill. He thought it wrong in principle, and, thinking so, no argument speciously drawn from a small gain to the public, which it was unworthy in them to demand, should tempt him to vote for it. He declared, that when the bill was first noticed, his reflections had presented the provision merely in a sort of analogy with fees justly demanded in Courts, and in common civil offices—as offices for the registering of deeds; but the moment the course of his reflections had traced the subject in that analogy, he discovered a strong and insuperable objection. These institutions, for the support of which fees were demandable from such as had business, were such as the law established for the intercourse between one individual and another; here, on the contrary, the law relates to a proceeding in which a debtor public is to transfer its promissory notes to individual creditors. The public is a debtor, has issued negotiable paper, part of the value of which depends on the facility of negotiation; the necessity of registering transfers being merely to secure the public. As the debt was subscribed under the idea of transfers being free of expense, so to force the parties to pay fees would diminish the value of the property; for, if it be an expense now to the public, and that expense be intended to be taxed on the thing transferred, it would amount to something like diminishing of the debt without discharging it. There is a solid difference between laws that regulate fees to be paid on the transactions between man and man, and such as relate to transactions like this, between a debtor public and an individual creditor. If a debtor constitutes a debt of a negotiable kind, and at the time of issuing his note makes each transfer necessarily to depend on an act of his own, he cannot expect to be paid for this; this quality forms a part of the value he has parted from.

The debate on the subject was continued till a late hour; several other gentlemen spoke on the occasion. The motion to amend the bill was at length agreed to. The Committee then rose, and reported accordingly.

Ordered, That the said bill, with the amendment, do lie on the table.

MONDAY, February 18.

A petition of the Directors of the Library Company of Philadelphia, and of the Trustees of the Loganian Library, was presented to the House and read, praying that so much of the existing revenue laws of the United States as imposes a duty on books imported for the use of public libraries, may be repealed.

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Proceedings.

[H. OF R.]

Ordered, That the said petition be referred to Messrs. FINDLEY, LAURANCE, and MURRAY; that they do examine the matter thereof, and report the same, with their opinion thereupon to the House.

Mr. MURRAY, from the committee appointed to take into consideration that part of the PRESIDENT'S Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session for the regulation of the Post Office, made a report; which was read, and ordered to be committed to a Committee of the Whole House.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States;'" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, do lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, laying before Congress a report and plat of the Territory of the United States on the Potomac, as given in by the Commissioners of that Territory, together with a Letter from the Secretary of State, which accompanied them. The papers referred to in the Message were ordered to lie on the table.

TUESDAY, February 19.

A memorial of sundry merchants and traders of Providence, in the State of Rhode Island, was presented to the House and read, stating the disadvantages which attend the operation of the existing revenue laws of the United States, and praying that the same may be revised and amended. Referred to the Secretary of the Treasury.

A petition of Caleb Newbold, John Black, and Sarah Newbold, executors of the last will and testament of Caleb Newbold, deceased, praying compensation for provisions furnished for the use of the militia and navy of Pennsylvania, in Continental service, during the late war; also, a petition of Thomas Coit, Collector of the Revenue for the Second Division, in the State of Connecticut, praying to be exonerated from the payment of a certain sum of money, which he collected on account of the duties accruing on a quantity of distilled spirits, and deposited in his storehouse at Norwich, in the said State, as a place of safety, and which, together with a part of the money so deposited, was consumed by fire on the night of the 15th ultimo.

Ordered, That the said petitions be referred to the Secretary of the Treasury, with instructions to examine the same, and report his opinion thereupon to the House.

A memorial of sundry paper-makers in the States of Pennsylvania and Delaware was presented to the House and read, praying that so much of the existing revenue laws of the United States as imposes a duty on imported rags used in

the manufacture of paper, may be repealed; and also, that the present duty on foreign paper imported into the United States, may remain. Laid on the table.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That the Commissioners for purchasing the Public Debt be directed to lay before this House a statement of all their proceedings not heretofore furnished:—"

A motion was made, and the question being put, to amend the said original motion, by inserting, after the word "House," the words, "their resolves as Commissioners, approved by the PRESIDENT OF THE UNITED STATES, together with:—" it passed in the negative—yeas 30, nays 31, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, Aaron Kitchell, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Peter Sylvester, John Steele, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Abraham Baldwin, Abraham Clark, William Findley, Elbridge Gerry, William B. Giles, Christopher Greenup, Andrew Gregg, William Barry Grove, Daniel Heister, William Hindman, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

Another motion was then made, and the question being put, to amend the said original motion, by striking out the words "not heretofore furnished," and inserting, in lieu thereof, the words "under the acts for the reduction of the Public Debt, since the date of the purchases mentioned in their last report:—" it passed in the negative—yeas 18, nays 43, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Theodore Sedgwick, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Daniel Huger, Philip Key, Aaron Kitchell, John Wilkes Kittera, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Peter Syl-

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vester, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

And then the main question being put, that the House do agree to the said original motion, it was resolved in the affirmative—yeas 39, nays 22, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, Elbridge Gerry, William B. Giles, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, William Hindman, Philip Key, John Wilkes Kittera, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Daniel Huger, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Theodore Sedgwick, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

Mr. SEDGWICK, from the Managers appointed on the part of this House to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses, to the bill, entitled "An act to regulate the claims to Invalid Pensions," made a report; which was read, and ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, stating that it had been agreed on the part of the United States, that a treaty or conference shall be held at the ensuing season with the hostile Indians Northwest of the Ohio, in order to remove, if possible, all causes of difference, and to establish a solid peace with them; and that, as the estimates heretofore presented to the House for the current year did not contemplate this object, it would be proper that an express provision be made by law, as well for the general expenses of the treaty, as to establish the compensation to be allowed the Commissioners who shall be appointed for the purpose; and that he would direct the Secretary of War to lay before the House an estimate of the expenses which may probably attend this measure.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the estimate referred to in the foregoing Message; which, together with the said Message, was read, and ordered to be committed to Mr. BOUDINOT, Mr. WHITE, and Mr. WADSWORTH, with instruction to report thereon by way of bill or bills.

A message from the Senate informed the House that the Senate recede from some, and insist on others of their amendments, disagreed to by this House, to the bill, entitled "An act to regulate the claims to Invalid Pensions;" the Senate have also passed the bill entitled "An act to authorize the

Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the amendment, and, the same being read, was agreed to.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanied with sundry statements and reports, containing a further answer to the resolutions of this House, of the twenty-third of January last; which were ordered to lie on the table.

WEDNESDAY, February 20.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," with several amendments; to which they desire the concurrence of the House.

The bill sent from the Senate, entitled "An act in addition to an act, entitled 'An act to establish the Judicial Courts of the United States,'" together with the amendments agreed to on Monday last, was read the third time and passed.

The House proceeded to consider the report of the committee on the petitions of the French inhabitants of Gallipolis, in the territory of the United States Northwest of the river Ohio; whereupon,

Resolved, That there be granted to the said petitioners thirty thousand acres of land, to be divided among them in quantities proportioned to their late purchases of the Scioto Company; and that the further quantity of twenty thousand acres be divided equally among such of the said petitioners as are actual settlers of the said territory.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. WADSWORTH, Mr. SEDGWICK, Mr. FINDLEY, Mr. WHITE, and Mr. BARNWELL, do prepare and bring in the same.

Ordered, That a committee be appointed to bring in a bill fixing the time for the next annual meeting of Congress, and that Mr. MUHLENBERG, Mr. WILLIAM SMITH, and Mr. SEDGWICK, be the said committee.

The House proceeded to consider the report of the committee on the petition of James Warrington, attorney in fact of Joseph Blachford, surviving partner of Harris & Blachford; whereupon,

Resolved, That the Accounting Officers of the Treasury cause the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents, charged to John Banks on the thirty-first day of December, one thousand seven hundred and eighty-three, to be credited to the said John Banks, and that the sum so credited be charged to the account of such other person as in their opinion shall be justly chargeable therewith.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. GILES, Mr. LIVERMORE, and Mr. FITZSIMONS, do prepare and bring in the same.

The House proceeded to reconsider the amendments depending between the two Houses on the

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bill, entitled "An act to regulate the claims to Invalid Pensions," together with the report of the Committee of Conference on the subject-matter of the said amendments; whereupon,

Resolved, That this House doth adhere to its disagreement to the amendment insisted on by the Senate to the fourth section of the said bill.

Resolved, That this House doth recede from its disagreement to the amendment insisted on by the Senate to the fifth section of the said bill.

THURSDAY, February 21.

Mr. BOUDINOT, from the committee appointed, presented a bill making an appropriation to defray the expense of a treaty with the Indians Northwest of the river Ohio; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his report on the petitions of Rawleigh P. Downman and Oliver Towles; and the same being read,

Ordered, That so much of the said report as relates to the petition of Rawleigh P. Downman be referred to Mr. PARKER, Mr. SUMPTER, and Mr. WARD; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That so much of the said report as relates to the petition of Oliver Towles do lie on the table.

Ordered, That a committee be appointed to bring in a bill for the following purposes: To regulate the mode of taking bail in certain cases; to regulate the recovery of costs against informers or relators, in certain cases; to point out the mode in which suits for penalties under the revenue laws of the United States shall commence; to extend executions on transcripts of judgments from one district to another, and to regulate the costs and fees in cases of the commitment of witnesses; and that Mr. MURRAY, Mr. BOUDINOT, and Mr. JEREMIAH SMITH, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of State, communicating certain reasons for delaying his Report on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, as directed by the order of the House of the twenty-third February, one thousand seven hundred and ninety-one, and suggesting that he is now ready to report on that subject, if the House shall be pleased to direct him so to do.

Ordered, That the said Letter be referred to Mr. GILLES, Mr. LAURANCE, Mr. WILLIAM SMITH, Mr. BALDWIN, and Mr. BENJAMIN BOURNE; that they do examine the matter thereof, and report the same, with their opinion thereupon to the House.

A memorial of Eli Elmer, late a Captain Lieutenant of Artillery in the Army of the United States, was presented to the House and read, praying the liquidation and settlement of a claim for depreciation of pay, supplies of clothing, and other stores, due to him for military services rendered during the late war.

Ordered, That the said memorial be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. GILLES, from the committee appointed, presented a bill directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents; which was received, twice read, and committed.

SETTLEMENT OF STATE ACCOUNTS.

The House went into Committee of the Whole on the bill received from the Senate, entitled "An act in addition to and for amending the act, for extending the time limited for settling the accounts between the United States and the individual States.

A motion was made to strike out the first section of the bill. This section goes to repeal the second section of the former act, which makes the State of Vermont a party to the accounts between the United States and individual States. In support of the motion it was said that Vermont, participating in all the advantages of the independence of the country, and, being a member of the Union, is justly chargeable with its quota of all the expenses that have been incurred; that as, on the one hand, were she a creditor State, she doubtless would come in for her proportion of the balances which shall appear to be due from the United States to the creditor States; so on the other, if she is a debtor State, it is but reasonable that she should be liable to pay her proportion of those balances; a contrary principle, it was said, will increase the burdens of other States. It was further said, that in all the great questions relative to the finances and accounts of the United States, the voice of Vermont has had its proportional influence; and she is therefore on every principle to be considered as a constituent part of the Union, and liable to all the disadvantages resulting from the connexion.

In opposition to the motion, it was said that Vermont, as a Government, bore her proportion of the expenses and sacrifices of the war. She was a frontier State, and the only barrier between the United States and Canada. Her exertions during the war were made by her citizens alone, without assistance from the other States. That, in consequence of the peculiar confusion which prevailed in that State, the accounts of her services and supplies were left in a very deranged situation. That though the former act allowed twelve months for her to bring in her claims, yet it is said the other States have had a much longer time. That, though it should be concluded that Vermont ought to be considered as a part of the Confederacy prior to her adoption of the Federal Constitution, the time certainly ought to be extended for her to bring in her accounts. But it was urged that she could not be so considered; and therefore is not a party to the accounts, prior to that period. Since she came into the Union under the new Constitution, she has borne, and will continue to bear her proportion of the bur-

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dens of the United States, and will be obliged to pay her proportion of the balances which shall be found due from the Union. In answer to the reasoning from her being represented on the floor of Congress, it was said that the Representatives of that State are Representatives of the Union; they act in a Legislative capacity, and not as a committee of accounts.

The motion for striking out the first section was negatived. Some further amendments were moved, but disagreed to. The bill was reported without amendment. In the House, Mr. W. SMITH renewed the motion for striking out the first section, and called for the yeas and nays, which were—yeas 17, nays 39, as follows:

YEAS.—Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Elbridge Gerry, Nicholas Gilman, Daniel Huger, John Wilkes Kittera, Richard Bland Lee, Samuel Livermore, William Smith, Jonathan Sturges, Thomas Tudor Tucker, Abraham Venable, and Francis Willis.

NAYS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Egbert Benson, Thomas Fitzsimons, William B. Giles, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Israel Smith, John Steele, George Thatcher, Thomas Tredwell, Jeremiah Wadsworth, Artemas Ward, Alexander White, and Hugh Williamson.

Ordered, That the said bill be read the third time to-morrow.

The House went into Committee of the Whole on the bill for exempting from impost duties useful beasts imported for breed.

The bill being read, it was moved to add after the words "for breed," or *on rags*.

Mr. LIVERMORE objected to this motion. He observed that the object of the bill is to encourage the importation of stallions, bulls, and boars, for the purpose of improving the breed of useful animals. These, he said, ought to stand alone; he thought it would be a very odd association to connect them with rags. Besides, said he, I do not conceive there is any necessity for bringing in the article, for when the rage of calling for information is abated, there will be such a diminution of the business of printing, that he doubted not a sufficient quantity of rags might be obtained in the country by the paper-makers.

Other objections were made by several members, and the motion being put, was lost. The bill was then reported without amendment. Some verbal amendments were made in the House. The bill was then ordered to be engrossed.

FRIDAY, February 22.

A memorial of Arthur St. Clair, Governor of the Territory of the United States Northwest of the river Ohio, was presented to the House and

read, stating that, in the execution of certain duties, and the performance of sundry services, prescribed by the late Congress, the memorialist made disbursements, and contracted debts, which considerably exceeded the funds placed in his hands, and praying that the officers of the Treasury may be empowered to adjust his accounts, and pay whatever balance may be found due to him.

Ordered, That the said memorial be referred to Mr. FITZSIMONS, Mr. THATCHER, and Mr. HINDMAN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of John Ross, of the city of Philadelphia, merchant, was presented to the House and read, praying that a claim for a balance due to the memorialist by the United States, for sundry purchases of merchandise in Europe, on commission, and for which he rendered an account to the late Congress, in the month of January, one thousand seven hundred and eighty-three, may be considered and decided on.

Ordered, That the said memorial be referred to Mr. GERRY, Mr. HUGER, and Mr. TUCKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of Hugh Hughes, of the State of New York, was presented to the House and read, praying the liquidation and settlement of a claim for services as Commissary of Military Stores, and Assistant Quartermaster General in the Army of the United States, during the late war.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of the Society "for promoting the Abolition of Slavery, for the relief of persons unlawfully held in bondage, and for improving the condition of the African race," in the States of Rhode Island and Massachusetts, was presented to the House, and read, praying the attention of Congress to the subject of their memorial, presented the eighth of December, one thousand seven hundred and ninety-one, relative to the slave trade.

Also, a petition of Elizabeth Fish, late relict and widow of Lieutenant Colonel George Derrance, of the county of Luzerne, in the State of Pennsylvania, deceased, praying relief in consideration of the loss of her late husband, who was killed in an engagement with a detachment of British troops and Indians, whilst in the militia service; as also, that she may be reimbursed for the loss of property belonging to the deceased, which was plundered or destroyed by the said detachment, in the year one thousand seven hundred and seventy-eight.

Also, a petition of Patrick Jack, of Franklin county, in the State of Pennsylvania, praying that the title to a tract of land of fifteen miles square, on the south side of the Tennessee river, granted to the petitioner, by the late Province of North Carolina, the seventh of May, one thousand seven hundred and sixty-two, and which has since been

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ceded to the Cherokee Indians, by the United States, at a late treaty, may be restored to him, and himself and his friends permitted to settle thereon, with the consent of the said Indians.

Also, a petition of sundry inhabitants of Nine Mile and Baker's Creek, on the frontiers of the Territory of the United States south of the river Ohio, to the like effect.

Also, a memorial of John Parker, of the city of Philadelphia, praying that such alterations may be made in the act establishing the Post Office, as to place the transmission of monthly publications on the same footing with newspapers published within the United States.

Ordered, That the said memorials and petitions do lie on the table.

Mr. MUHLENBERG, from the committee appointed, presented a bill fixing the time for the next annual meeting of Congress; which was received, twice read, and committed.

Mr. MURRAY, from the committee appointed, presented a bill concerning bail, process, and costs, in the Courts of the United States; which was received, twice read, and committed.

Mr. GOODHUE, from the committee to whom was committed the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" reported an amendment thereto; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

A motion was made and seconded that the House do now adjourn for half an hour.

On which motion, the yeas and nays being demanded by one-fifth of the members present, it was resolved in the affirmative—yeas 42, nays 18.

One o'clock, P. M.

The House met, according to adjournment.

Mr. WADSWORTH, from the committee appointed, presented a bill to authorize a grant of land to the French inhabitants of Gallipolis; which was received, twice read, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a further statement in answer to the late resolutions of this House; which was read, and ordered to lie on the table.

APPROPRIATION BILL.

The Appropriation Bill for the year 1793 was taken up, with some amendments of the Senate, one of which was, that in the bill sent to the Senate, the House of Representatives had specified all the items of each sum granted to the support of the War Department; but the Senate's amendment condenses the whole into one aggregate sum. This occasioned some debate; and it was observed that, by thus making one sweeping grant, the particular items are kept out of view, so as to render any future inquiries into the application of the public money extremely difficult, and leaves too much discretionary power in the

hands of the Head of the Department; for, although it would be expected that he should apply the money to each particular object of the many expressed in the estimate by him furnished, yet, if they were not also specified in the law, he would not be obligated to pursue this conduct; in fact, he might apply the whole to a few of the objects, perhaps to only one, and leave all the others unsupported. Indeed, it must be granted that there are discretionary powers which ought to be allowed, such as respect particular contingencies, &c., but this should never be permitted to extend to such an extravagant degree as the Senate's amendments would authorize. Several members spoke on the occasion; and it was argued that the items had been already examined and discussed in the House, and that, as the total was not altered by the Senate, there could not be any danger in concurring with the amendments. On the other hand, it was objected that, as there was an expectation of peace with the Indians, and that therefore the recruiting service would be arrested, all these hopes of the public might be frustrated, in case the recruiting service was continued, and larger sums might be applied to it than would be proper, unless the law should expressly limit it. And there was no limitation of specific sums mentioned in the Senate's amendment but the sweeping total of nine hundred and sixty-three thousand dollars, and thirty thousand dollars for contingencies—nearly a round million. It was again urged by those who wished the House to concur with the Senate that a discretionary power lodged in the hands of the PRESIDENT OF THE UNITED STATES would be a sufficient check; and it was therefore suggested that a committee of conference be appointed between the two Houses, to introduce a clause in the law for this purpose. A discretionary power must be lodged somewhere to meet contingencies; for instance, it may be found expedient to mount the militia, or to vary the mode of carrying on the war, and therefore in some cases to apply the money, specifically appropriated for some of the objects which might upon trial be discovered unnecessary, to other objects of real utility. The debate was continued for a considerable time; and at length the question for concurring was negatived.

The question was then taken, that the House do agree to the said amendment, and passed in the negative—yeas 30, nays 31, as follows:

YEAS.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, James Hillhouse, Daniel Huger, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, John Milledge, Nathaniel Niles, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, George Thatcher, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman,

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Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Peter Sylvester, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Hugh Williamson.

An amendment to the section which authorizes the President to make a Loan to the amount of \$800,000, was arrested by an objection to the section itself, which had already passed the two Houses. Without deciding on this amendment, the House adjourned.

SATURDAY, February 23.

An engrossed bill to repeal the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties heretofore accrued on such importations, in the cases where they have only been secured to be paid, was read the third time and passed.

An engrossed bill, fixing the time for the next annual meeting of Congress, was read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce," with several amendments; to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act in addition to and alteration of an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States,'" was read the third time.

The passage of the bill was warmly opposed. The opposition arose from the idea that if the State of Vermont is not considered as a party in the settlement of the accounts between the United States and the individual States, as contemplated by the bill, it will operate to the injury of the other States. A motion for recommitting the bill was made and negatived.

And, on the question that the same do pass, it was resolved in the affirmative—yeas 39, nays 17, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Egbert Benson, Elias Boudinot, Abraham Clark, Thomas Fitzsimons, William B. Giles, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Cornelius C. Schoenmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, John Steele, Samuel Sterrett, Thomas Tredwell, Artemas Ward, Alexander White, and Hugh Williamson.

NAYS.—Robert Barnwell, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Elbridge Gerry, Nicho-

las Gilman, William Hindman, Daniel Huger, Richard Bland Lee, Samuel Livermore, William Smith, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Abraham Venable, and Francis Willis.

APPROPRIATION BILL.

The consideration of the amendments proposed by the Senate to the Appropriation Bill was resumed by the House. The amendment to the section authorizing a Loan, in anticipation of the funds, was further debated. Their amendment goes to vest a discretionary power in the PRESIDENT OF THE UNITED STATES to pay off the Debt due to the Bank of the United States, in instalments not exceeding fifty thousand dollars, having respect to the public exigencies and the state of the Treasury. The discretionary power hereby proposed to be invested was opposed, as not being properly limited, as the provision for paying off the debt in question was irrelative to the proper idea of an appropriation bill, and as the Legislature ought not to delegate this discretion. It was further opposed, as making an arrangement to pay a debt to a public body before it was due, in preference to paying individuals whose demands are already due. In opposition to this reasoning, it was said that the amendment contemplates a provision in a case which has been the subject of complaint to those who now oppose it; and that is, it vests a power in the PRESIDENT OF THE UNITED STATES to employ, from time to time, the revenues in the Treasury which may not be especially appropriated for other purposes, to pay off its debts; so that the revenues may not at any time lie useless. That the public moneys should lie dormant and useless in the Treasury (which it was denied has ever been the case) has been a subject of declamation; and now that an unexceptionable expedient is proposed to guard against such a contingency as a surplus revenue would present, the opposition is continued from the same quarter. After a long debate, the question on concurring with the Senate was determined in the affirmative—yeas 34, nays 25, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Thomas Hartley, James Hillhouse, William Hindman, Daniel Huger, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, Andrew Gregg, William Barry Grove, Daniel Heister, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, Israel Smith, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

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MONDAY, February 25.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce;" and, the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

On motion, the said bill, together with the amendments thereto, was then read the third time and passed.

A message from the Senate informed the House that the Senate recede from their amendment, to a disagreement to which this House have adhered, to the fourth section of the bill, entitled "An act to regulate the claims to Invalid Pensions." The Senate also recede from their fifth amendment, disagreed to by this House, to the first section of the bill, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three."

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties which have heretofore accrued on such importations, in the cases where they have only been secured to be paid," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

The SPEAKER laid before the House a Letter from the Commissioners for purchasing the Public Debt, accompanying a report and statement of all their proceedings, not heretofore furnished, made pursuant to the resolution of the nineteenth instant; which were read, and laid on the table.

The House resolved itself into a Committee of the Whole House on the bill making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto.

Ordered, That the said bill, with the amendment, do lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes;" to which they desire the concurrence of this House.

The said bill was read twice and committed.

Mr. GILES, from the committee to whom was referred the Letter of the Secretary of State of the twentieth instant, communicating certain reasons for delaying his report on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, directed by order of the House of the twenty-third of February, one thousand seven hundred and ninety-one, reported that it is not expedient to call for the said report during the present session of Congress;" which report was agreed to.

On a motion made and seconded,

Resolved, That the term for receiving on loan that part of the domestic debt of the United States which may not be subscribed prior to the first day of March next, pursuant to the terms proposed in the act, entitled "An act making provision for the Debt of the United States," and also an act, entitled "An act supplementary to the act making provision for the Debt of the United States," be extended on the same terms as is, by the first recited act provided, to the — day of —; and books for receiving such farther subscriptions shall be opened at the Treasury of the United States only, and to continue open until the said — day of —, inclusively.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. GOODHUE, Mr. GRIFFIN, and Mr. GREGG, do prepare and bring in the same.

TUESDAY, February 26.

The House resolved itself into a Committee of the Whole House on the bill to authorize a grant of land to the French inhabitants of Gallipolis; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

A message from the Senate informed the House that the Senate have agreed to the amendments proposed by this House to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,' with several amendments; to which they desire the concurrence of this House.

Ordered, That a committee be appointed to bring in a bill to provide for the expense of supporting light-houses, not ceded to the United States, and that Mr. FITZSIMONS, Mr. GRIFFIN, and Mr. TREDWELL, be the said committee.

The House proceeded to consider the amendment, reported yesterday by the Committee of the Whole House, to the bill making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio; and, the same being read, was agreed to.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

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Proceedings.

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On a motion made and seconded, that the House do now resolve itself into a Committee of the Whole House, to take into consideration the reports of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, it passed in the negative.

Ordered, That the Committee of the Whole House be discharged from the consideration of the said reports.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate trade and intercourse with the Indian tribes," with several amendments; to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act fixing the time for the next annual meeting of Congress," with several amendments; to which they desire the concurrence of this House.

WEDNESDAY, February 27.

An engrossed bill to authorize a grant of land to the French inhabitants of Gallipolis, was read the third time and passed.

An engrossed bill, making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio, was read the third time and passed.

Mr. GOODHUE, from the committee appointed, presented a bill for extending the time for receiving on Loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three; which was received, read twice, and committed.

Mr. FITZSIMONS, from the committee appointed, presented a bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating certain inaccuracies in printing the statements communicated by his first and second Letters, lately presented, on the subject of Foreign Loans, and expressing a wish that some regulation may be adopted to enable the Head of the Treasury Department to secure the fidelity and correctness of the printed copies of the reports which shall hereafter be made to the House, and shall be committed to the press by their order.

Ordered, That the said Letter be referred to Mr. FITZSIMONS, Mr. SEDGWICK, and Mr. DAYTON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GILES, after some pointed animadversions on the Reports of the Secretary of the Treasury, made to the House pursuant to the resolutions which have been passed, read several resolutions relative thereto; which were handed to the Clerk, again read, and laid on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to regulate trade and intercourse with the Indian tribes;" the same was agreed to.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act providing an annual allowance for the education of Hugh Mercer;" to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the amendments of this House to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States.'" Whereupon,

Resolved, That this House doth agree to the said amendments proposed by the Senate to the amendments of this House to the said bill, with the following amendment, to wit: In the amendment of the Senate to the first amendment of this House, after the word "*absent*," insert these words, "or shall have been of counsel, or be concerned in interest in any cause then pending."

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress." Whereupon,

Resolved, That this House doth disagree to the said amendments.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be recommitted to Mr. LIVERMORE, Mr. SEDGWICK, and Mr. BENJAMIN BOURNE.

Ordered, That a committee be appointed to bring in a bill to make further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, and that Mr. FITZSIMONS, Mr. THATCHER, and Mr. TUCKER, do prepare and bring in the same.

The bill sent from the Senate, entitled "An act providing an annual allowance for the education of Hugh Mercer," was read the first time; and, opposition being made thereto, the question was put, "Shall the said bill be rejected?" and passed in the negative. Whereupon, the said bill was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," with several amendments; to which they desire the concurrence of this House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a supplementary estimate of certain sums for which appropriations are necessary; which were read, and ordered to be referred to Mr. FITZSIMONS, Mr. MADISON, and Mr. WILLIAM SMITH, with instruction to prepare and bring in a bill or bills pursuant thereto.

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Reimbursement of Loan.

[H. OF R.]

A Message was received from the PRESIDENT OF THE UNITED STATES, with a copy of an explanation of an Act of the Legislature of New York, ceding to the United States the jurisdiction of certain lands on Montauk Point, for the purposes mentioned in the said act: And a copy of a Letter from the Governor of New York to the Secretary of State, which accompanied the explanation.

The papers referred to in the said Message were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying a copy of the official report made by the officers of the Treasury Department, upon his account of the receipts and expenditures of the public moneys, from the 1st of October to the 31st of December, 1792, inclusive; which were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying an abstract of goods, wares, and merchandise, exported from the United States, from the 1st of October, 1791, to the 30th of September, 1792; also, two returns of impost and tonnage, to the end of the year 1791; which were read, and ordered to be referred to Mr. WILLIAMSON, Mr. BENJAMIN BOURNE, and Mr. STERRETT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House adjourned until 6 o'clock p. m.

EVENING SESSION—6 P. M.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" and the same being read, were agreed to.

REIMBURSEMENT OF LOAN.

The House proceeded to consider the bill providing for a reimbursement of a Loan made of the Bank of the United States, which lay on the table. Whereupon,

Ordered, That the said bill be recommitted to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said Committee; and the bill being read, a motion was made to strike out the first section, which authorizes a loan.

Mr. BARNWELL said, as he had been in favor of making the loan of two millions, as contemplated in the section, he thought it due to himself and to the Committee to state the reason which will induce him to agree to the motion for striking out the section. It is, said he, because there is not time during the session to go into such an investigation of the subject as it merited; such an investigation, he was persuaded, would convince every unprejudiced mind that it would be for the interest of the United States to effect the loan.

Mr. MADISON was in favor of striking out the section, setting aside the consideration that the United States are not under obligation to discharge the whole sum of two millions at the pre-

sent time; he very much doubted the policy of making loans at that amount, when the question Whether any saving could be made thereby? is problematical, considering the rate of interest in Europe. He thought it probable, that, before the time came round when the United States might be obliged to discharge the whole of this debt, money may be obtained on more advantageous terms than at present, if it should be found necessary to borrow.

The section was struck out, *nem. con.*

Several amendments were made to the next section. The Committee then rose and reported the same. The House adopted the amendments, and

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

The House resolved itself into a Committee of the Whole House, on the bill directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

The House resolved itself into a Committee of the Whole House, on the bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Mr. WILLIAMSON, from the committee to whom were referred the Letter from the Secretary of the Treasury, accompanying an abstract of the goods, wares, and merchandise, exported from the United States, from the 1st of October, 1791, to the 30th of September, 1792; also, two returns of impost and tonnage, to the end of the year 1791, made a report. Whereupon,

Ordered, That one hundred copies of the said abstract and returns be printed for the use of the members of the two Houses.

THURSDAY, February 28.

An engrossed bill directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents, was read the third time, and passed.

An engrossed bill providing for the reimbursement of a Loan made of the Bank of the United States, was read the third time, and passed.

§. An engrossed bill supplementary to the act for the establishment and support of light-houses, bea-

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cons, buoys, and public piers, was read the third time, and passed.

Mr. FITZSIMONS, from the committee appointed, presented a bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; which was received, twice read, and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to increase the salaries of the Commissioner of the Revenue, and the Auditor of Accounts, and that Mr. FITZSIMONS, Mr. BENJAMIN BOURNE, and Mr. MURRAY, be the said committee.

Mr. FITZSIMONS, from the committee appointed, presented a bill making certain appropriations therein mentioned; which was received, twice read, and committed.

Mr. LIVERMORE, from the committee to whom was recommended the bill sent from the Senate, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes," reported several amendments thereto; which were severally twice read, and agreed to by the House, and said bill was read the third time, and passed.

A message from the Senate informed the House, that the Senate have agreed to the amendment proposed by this House to the amendment of the Senate to the first amendment of this House, to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States.'" The Senate also adhere to their amendments, disagreed to by this House, to the bill, entitled "An act fixing the time for the next annual meeting of Congress."

The House proceeded to reconsider the amendments proposed by the Senate to the bill last mentioned. Whereupon,

Resolved, That this House doth insist on their disagreement to the said amendments; that a conference be desired with the Senate, on the subject-matter of the same, and that Mr. LIVERMORE, Mr. MÜHLENBERG, and Mr. WILLIAM SMITH, be appointed managers at the said conference, on the part of this House.

Mr. HILLHOUSE, from the committee appointed, presented a bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American Army; which was read twice, and committed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making an appropriation to defray the expense of a Treaty with the Indians Northwest of the Ohio."

OFFICIAL CONDUCT OF THE SECRETARY OF THE TREASURY.

The resolutions brought forward yesterday by Mr. GILES, were called for by that gentleman. The reading being finished, Mr. AMES moved that the resolutions should be taken up.

Mr. MURRAY suggested the necessity of giving a preference to the Judiciary Bill reported by him some days since. He was seconded by Mr. KEY.

The motion for taking up the resolutions was

carried, forty members rising in favor of it. The resolutions were accordingly read by the Clerk, and are as follow, viz:

1. *Resolved*, That it is essential to the due administration of the Government of the United States, that laws making specific appropriations of money should be strictly observed by the administrator of the finances thereof.

2. *Resolved*, That a violation of a law making appropriations of money, is a violation of that section of the Constitution of the United States which requires that no money shall be drawn from the Treasury but in consequence of appropriations made by law.

3. *Resolved*, That the Secretary of the Treasury has violated the law passed the 4th of August, 1790, making appropriations of certain moneys authorized to be borrowed by the same law, in the following particulars, viz: *First*, By applying a certain portion of the principal borrowed to the payment of interest falling due upon that principal, which was not authorized by that or any other law. *Secondly*, By drawing part of the same moneys into the United States, without the instructions of the President of the United States.

4. *Resolved*, That the Secretary of the Treasury has deviated from the instructions given by the President of the United States, in exceeding the authorities for making loans under the acts of the 4th and 12th of August, 1790.

5. *Resolved*, That the Secretary of the Treasury has omitted to discharge an essential duty of his office, in failing to give Congress official information in due time, of the moneys drawn by him from Europe into the United States; which drawing commenced December, 1790, and continued till January, 1793; and of the causes of making such drafts.

6. *Resolved*, That the Secretary of the Treasury has, without the instructions of the President of the United States, drawn more moneys borrowed in Holland into the United States than the President of the United States was authorized to draw, under the act of the 12th of August, 1790: which act appropriated two millions of dollars only, when borrowed, to the purchase of the Public Debt: And that he has omitted to discharge an essential duty of his office, in failing to give official information to the Commissioners for purchasing the Public Debt, of the various sums drawn from time to time, suggested by him to have been intended for the purchase of the Public Debt.

7. *Resolved*, That the Secretary of the Treasury did not consult the public interest in negotiating a Loan with the Bank of the United States, and drawing therefrom four hundred thousand dollars, at five per cent. per annum, when a greater sum of public money was deposited in various banks at the respective periods of making the respective drafts.

8. *Resolved*, That the Secretary of the Treasury has been guilty of an indecorum to this House, in undertaking to judge of its motives in calling for information which was demandable of him, from the constitution of his office; and in failing to give all the necessary information within his knowledge, relatively to the subjects of the reference made to him of the 19th January, 1792, and of the 22d November, 1792, during the present session.

9. *Resolved*, That a copy of the foregoing resolutions be transmitted to the President of the United States.

Mr. GILES then moved that they should be referred to a Committee of the Whole House.

Mr. W. SMITH was decidedly opposed to refer

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ring those resolutions to the consideration of the Committee of the Whole House, because he neither viewed a discussion of them as necessary on the present occasion nor warranted by the nature of the inquiry into the Secretary's conduct. It was trifling with the precious time of the House to lavish it on abstract propositions, when the object of the inquiry ought to be into the facts. He was satisfied that should the House once involve itself in an investigation of theoretic principles of Government the short residue of the session would be exhausted, and no opportunity remain for examining the charges themselves. Those charges being made, it became the House from a sense of duty to the public and justice to the accused to proceed immediately to consider them. If the mover intended to apply the principles of the two first resolutions to the facts contained in the subsequent ones, it was unquestionably proper first to substantiate the facts, and then establish the principles which were applicable to them; but it was surely a reversal of order to spend much time in establishing principles, when it might happen that the charges themselves would be totally unsupported. He did not like this mode of proceeding, because it might tend to mislead the House; it was sometimes a parliamentary practice to endeavor to lead the mind to vague and uncertain results, by first laying down theorems from which no one could dissent, and then proceeding by imperceptible shades to move unsettled positions, in order ultimately to entrap the House in a vote which in the first instance it would have rejected. This mode of conducting public business, he considered as inconsistent with fair inquiry. The question was, had the Secretary violated a law? If so, let it be shown; every member was competent to decide so plain a question. He could examine the proofs, read the law, and pronounce him guilty or innocent without the aid of these preliminary metaphysical discussions.

If it were urged that the propositions are so plain and obvious that no time would be lost in considering them, he then begged leave to observe that all antecedent discussions of constitutional questions had never failed to occupy a large portion of their time, and that however self-evident the resolutions might at the first glance appear, a more critical attention would satisfy a mind not much given to doubt that they were by no means so conclusive as to be free from objections.

Though the position contained in the first resolution, as a general rule, was not to be denied; yet it must be admitted, that there may be cases of a sufficient urgency to justify a departure from it, and to make it the duty of the Legislature to indemnify an officer; as if an adherence would in particular cases, and under particular circumstances, prove ruinous to the public credit, or prevent the taking measures essential to the public safety, against invasion or insurrection. In cases of that nature, and which cannot be foreseen by the Legislature nor guarded against, a discretionary authority must be deemed to reside in the PRESIDENT, or some other Executive officer, to be exercised for the public good; such exercise instead of

being construed into a crime, would always meet the approbation of the National Legislature. If there be any weight in these remarks, it does not then follow as a general rule, that it is essential to the due administration of the Government, that laws making specific appropriations should in all cases whatsoever, and under every public circumstance, be strictly observed. Before the Committee could come to a vote on such a proposition, it would be proper to examine into the exceptions out of the rule, to state all the circumstances which would warrant any departure from it, to whom the exercise of the discretion should be entrusted, and to what extent. Did any member wish at this period to attempt this inquiry? He supposed not. Let every deviation from law be tested by its own merits or demerits.

The second resolution was liable to stronger objections. It might with propriety be questioned whether, as a general rule, the position was well founded. A law making appropriations may be violated in various particulars without infringing the Constitution, which only enjoins that no moneys shall be drawn from the Treasury but in consequence of the appropriations made by law. This is only to say, that every disbursement must be authorized by some appropriation. Where a sum of money is paid out of the Treasury, the payment of which is authorized by law, the Constitution is not violated, yet there may have been a violation of the law in some collateral particulars. There may even have been a shifting of funds, and however exceptionable this may be on other accounts, it would not amount to that species of offence which is created by the Constitution. The Comptroller of the Treasurer must countersign every warrant, and is responsible that it be authorized by a legal appropriation; yet it cannot be supposed that he is to investigate the source of the fund.

One of the alleged infractions stated in the subsequent resolution, namely, the drawing part of the loans into the United States without the instructions of the PRESIDENT, evinces that the opposite construction is not a sound one. For, suppose the fact proved, and suppose it a violation of the law, it certainly would be a very different thing from drawing money out of the Treasury without an appropriation by law, for, in this case, there would be no drawing money from the Treasury at all, the money never having been in the Treasury.

Mr. S. then said, he should also object to referring the last resolution, which is in these words, "Resolved, That a copy of the foregoing resolutions be transmitted to the PRESIDENT."

The object of this resolution went clearly to direct the PRESIDENT to remove the Secretary from office; the foregoing were to determine the guilt, the last to inflict the punishment, and both the one and other without the accused being heard in his defence. When the violation of the Constitution was so uppermost in our minds, it would be indeed astonishing that we should be so hoodwinked as to commit such a palpable violation of it in this instance. The principles of that Constitution, careful of the lives and liberties of the citi-

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zens, and what is dearer to every man of honor, his reputation, secure to every individual in every class of society, the precious advantage of being heard before he is condemned.

That Constitution, peculiarly careful of the reputation of great public functionaries, directs that when accused of a breach of duty, the impeachment must be voted by a majority of the House of Representatives, and tried by the Senate, who are to be on oath, and two thirds of whom must concur before a sentence can pass, by which the officer is to be deemed guilty. The officer is to be furnished with a copy of the charge, and is heard by himself or his counsel in vindication of his conduct. Such are the solemnities and guards by which they are protected, and which precede a sentence, the only effect of which is a removal from office. But if the House proceed in the manner contemplated by this resolution; if they first vote the charges, and send a copy of them to the PRESIDENT, as an instruction to him to remove the officer, they will violate the sacred and fundamental principles of this, and every free Government. They will condemn a man unheard, nay, without his having even been furnished with the charges against him; they will condemn to infamy a high and responsible officer convicted by the Representatives of the people, of a violation of the important trusts committed to him, without affording him one opportunity of vindicating his character and justifying his conduct.

Mr. MURRAY said he was opposed to the reference of the resolutions to the Committee of the Whole. He had, as far as the time permitted, examined the several reports on which the examination depended, and was then ready to vote on them, though he confessed, from the intricacy which was inherent in such a subject, as well as from the vast variety of the detail involved, he had not had sufficient time for a complete investigation. Nor did he imagine that any man who had not previously meditated on the subject for a length of time, and made choice of his ground of attack, could say he was completely master of the subject. Some vote, however, was now rendered essential to the character, not only of Government, but of the gentleman who presided over the finances of the country. But three days were left for this inquiry, and to finish a great deal of other business; and he thought that despatch which was usual in the House ought to be used in preference to the indulgence which a Committee afforded. As to the abstract propositions, if it were necessary now to go into them, he thought it would be proper to decide on them first. He thought it most logical to lay down principles of reasoning before facts were developed. Were they agreed to by the House, it would be under provisions and restrictions. They could not have the implicit force of axioms, but at most must be yielded to as wholesome maxims, the application of which must be frequently modified by a certain degree of discretion. With respect to all the other resolutions, he imagined they would, on examination, be found to be unwarranted by facts. He hoped the movers and supporters of the resolutions would

not be gratified at so late a season by the House in resolving itself into a Committee of the Whole. The mode in which they were brought forward did not entitle them to much confidence. He said a more unhandsome proceeding he had never seen in Congress. It had been a practice, derived from the lights of common liberty, common right, and the first principles of justice, that whoever was charged with a violation of law on which a punishment ensued, should have some mode of answering to the charge. It had, in a recent instance, been the practice of Congress, when an officer's conduct was even in the first instance inquired into, to afford the officer an opportunity of attending upon the examination on which his offence or his freedom from blame was to appear. He alluded to the conduct of the House when an examination took place relatively to the failure of General St. Clair's expedition. Suspicions were entertained that blame lay somewhere. A committee was appointed to examine. The three officers particularly concerned were, he understood, invited, as it were, to come before the committee, to explain, to interrogate, and to give information. Though the Secretary of War was not permitted to explain on this floor, justice and delicacy, and the most common principles of jurisprudence, to which we attempted to hold some analogy, demanded that he should be heard somewhere, and the committee was renewed for this purpose. The Quartermaster General asked to be heard on this floor. Though refused, he was permitted to attend that committee, on whose examination his character as a Quartermaster depended. Were any man responsible as an officer to this House to fall under the suspicion of its members, a regard to decency and to the established rights of citizenship, would teach gentlemen to inquire formally before they hastily laid a charge on the table, to which they might move the assent of the House. But in this proceeding a Legislative charge was gone into before inquiry had been instituted. Every rule of justice, and all that delicacy which ought ever to attend her progress, had been disregarded, and in the very first instance, a number of charges are brought forward, not for inquiry, but conviction, which, if sanctioned by a majority of the House, are to be followed by the dismissal of one of the highest officers in the Government. This mode was as tyrannical as it was new, and, if any thing could throw a bias against the resolutions, independent of inquiry, it was the partial and unjust form in which the proceeding had commenced. Resolutions of conviction might rise out of the report of a committee of inquiry, who would act as a Grand Jury to the House, but could never precede it. He hoped the House would not refer to a Committee of the Whole what might be decided in the House with more despatch.

Mr. PAGE in reply to Mr. SMITH, spoke, in substance, as follows:

Mr. Chairman: The more precious our time, the more readily shall I vote for a consideration of the first resolution; for I think it of more consequence that we should decide on it, than on any

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other before us. We find, from the inquiry which has been set on foot, into the conduct of the Secretary of the Treasury, that he differs from the mover of the resolution in opinion respecting his powers, and the constitutional obligation he may be under of regarding acts of appropriation; it, therefore, must be the wish of the Secretary himself, whether we agree with him or not; and it is our duty, as soon as possible, I conceive, to let our constituents know whether we approve, or not, of his opinion. The Secretary himself, I think, confesses "that a strict adherence to appropriations, in certain cases, would be pusillanimity." He preferred, no doubt, the public good, which he thought he had in view, to a strict compliance with an act of appropriation. It becomes us, then, to determine whether we wish that the Secretary shall hereafter be bound by our acts of appropriation or not.

I cannot conceive that the rejection of the first resolution can alter the nature of the case before us, or in any manner confirm or invalidate the truth of facts which some gentlemen seem so apprehensive may lead to an impeachment. For my part, I keep in view the first resolution, without thinking a moment of the last, or the intermediate propositions. When they shall come under consideration, I shall be ready to show a proper attention to them. How the first resolution can be called an abstract proposition, I know not—when the nature of the last before us requires a decision on it. The Secretary himself should desire it, and our constituents must expect it. If the Committee of the Whole shall be of opinion that appropriations ought to be sacredly regarded, they will agree to the resolution; if they think they may be dispensed with "in certain cases," they may amend the resolution, and qualify it so as to justify the conduct of the Secretary. To call the resolution a preamble, and to object to it as such, appears to me as extraordinary as to call it an abstract proposition; for I have always thought it inconsistent with Republican principles to object to preambles. I have remarked, sir, when they have been objected to, it became the Representatives of a free people to show on what principles and with what views their laws are enacted, and, not in a dictatorial manner enact that it shall be so and so. The framers of our Constitution have set us an example of an excellent preamble; and, as it has been remarked by several members, this House has occasionally used them; I think, therefore, that none of the objections to the commitment of the first resolution are of sufficient weight to induce the House to agree to the motion for striking out the two first resolutions.

The question was now taken on committing the two first resolutions, and negatived—25 to 32. On the question of referring the last, only fourteen members voted in the affirmative.

Ordered, That the third, fourth, fifth, sixth, seventh, and eighth resolutions contained in the said motion 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, the Committee rose, and had leave to sit again.

2d Con.—30

The House then adjourned until six o'clock post meridian.

EVENING SESSION—6 P. M.

A message from the Senate informed the House that the Senate agree to the conference desired by this House on the subject-matter of the amendments depending between the two Houses to the bill entitled "An act fixing the time for the next annual meeting of Congress," and have appointed managers at the said conference on their part.

The House resolved itself into a Committee of the Whole House on the bill for extending the time for receiving on loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, 1793; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill making certain appropriations therein mentioned; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

FRIDAY, March 1.

An engrossed bill for extending the time for receiving on loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, 1793, was read the third time, and passed.

Mr. FITZSIMONS, from the committee appointed, presented a bill making addition to the compensation of the Auditor of the Treasury and the Commissioner of the Revenue; which was twice read, and committed.

A message from the Senate informed the House that the Senate have agreed to the amendments proposed by this House to the bill entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" with an amendment to the second amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment to the amendment, and the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act providing an annual allowance for the education of Hugh Mercer;" and, after some time spent therein, the bill was reported to the House, read the third time, and passed.

A message from the Senate informed the House that the VICE PRESIDENT having obtained leave of absence, the Senate have proceeded to the choice of a PRESIDENT *pro tempore*, and JOHN LANGDON has been duly elected.

A message from the Senate informed the House

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Official conduct of the Secretary of the Treasury:

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that the Senate have passed a bill entitled "An act providing for the compensation of Ebenezer Storer;" to which they desire the concurrence of this House.

Mr. FITZSIMONS, from the committee to whom was referred the memorial of Arthur St. Clair, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill making certain appropriations therein mentioned; and the same being read, were agreed to.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-day.

OFFICIAL CONDUCT OF THE SECRETARY OF THE TREASURY.

The House again resolved itself into a Committee of the Whole House on the third, fourth, fifth, sixth, seventh, and eighth resolutions contained in the motion of yesterday, respecting the official conduct of the Secretary of the Treasury.

The third resolution being under consideration, in the words following, viz:

"*Resolved,* That the Secretary of the Treasury has violated the law, passed the fourth of August, one thousand seven hundred and ninety, making appropriations of certain moneys authorized to be borrowed by the same law, in the following particulars, to wit:

"1. By applying a certain portion of the principal borrowed to the payment of the interest falling due upon that principal, which was not authorized by that or any other law.

"2. By drawing part of the same moneys into the United States without the instructions of the President of the United States."

Mr. SEDGWICK opened the debate, by calling for the reading of a Letter from the Secretary of the Treasury to Mr. Short, of the 1st of September, 1790, showing the objects and general views of the Secretary, relative to the negotiation of the loans under the two acts authorizing them.

Mr. BARNWELL.—Mr. Chairman, before I proceed to discuss the observations which yesterday fell from the gentleman who introduced the resolutions now before us, I cannot refrain from saying that I am extremely happy that, in passing through the medium of that gentleman's examination, this subject has changed its hue from the foul stain of speculation to the milder coloring of an illegal exercise of discretion, and a want of politeness in the Secretary of the Treasury. I feel happy, because I always am so when any man charged with guilt can acquit himself; and the more so now, when a man in a high responsible office, and high in the estimation of his countrymen, can reduce a charge from a quality calculated to have excited an alarm, even in Pandemonium, to such a shape as I fancy will scarce serve to satisfy the uncommon curiosity which it appears to have excited. As I have never been in the habit of taking notes, I shall depend upon memory in answering the gentleman from Virginia; although I imagine, as that gentleman usually sticks very close to his point, whatever it

may be, that, in pursuing his charges, I shall substantially answer his arguments. In commenting upon the two first resolutions, to which I am by order confined, I shall consider, in the first instance, what regards the right of drawing money into this country. The gentleman appears not to have considered the law properly, for there cannot be a doubt that the PRESIDENT had a right to make what arrangements he pleased, in order to attain what he might consider a proper modification of the Debt due by the United States abroad. He might have borrowed the money here, or have paid it here; he might have borrowed the money in England, or wherever he thought fit. I will ask the gentleman by what precise authority he borrowed the money in Amsterdam and Antwerp, and paid it in Paris? Certainly by none but that discretion which has been depended upon to modify the Debt in the manner most conducive to the interest of the United States. I take it, then, for granted, Mr. Chairman, that the right of the PRESIDENT to draw the money borrowed here, or to send it anywhere, must be conceded. The question will then arise, whether the Secretary of the Treasury had a right to do this or not, and whether this has not been done without, nay, against the instructions of the PRESIDENT? I really consider this as one of the most extraordinary cases that I have ever known exhibited. Let us consider its form. A highly important trust, of no less import than the discretionary use of fourteen millions of dollars, is placed in the PRESIDENT OF THE UNITED STATES; he, by a general commission, and by special instruction, deposes this power to the Secretary of the Treasury, stating that he is to conform to these, and whatever instructions he might from time to time give him. Let any man seriously examine these powers, and I am of opinion that the Secretary, under these, had a right to draw, if he thought proper, unless instructed to the contrary; for the PRESIDENT conveys a complete power to modify the Debt, provided that it should be, with all convenient despatch, applied to pay the principal and interest due to France; for where the payments are to be made are certainly left to the Secretary. If this has not been exercised advantageously, this is another circumstance which the gentleman himself has not questioned. But, says the gentleman, the Secretary, under these instructions, had no special authority to draw; notwithstanding which, he began to draw in 1790, and has continued to draw, at different times, into this country the enormous sum of three millions of dollars, and therefore he must have done this without, nay, against the instructions of the PRESIDENT, who, it is presumed, having delegated this great trust, has never, for three years, inquired into the performance of it. Can this be the inference of common sense? Can this be the inference of the experience which we have had of the PRESIDENT, one of the prominent features of whose character always has been an industry to investigate particulars, as remarkable as his sagacity to frame Generals? If, then, instructions have not been given, or have been exceeded, was it necessary

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for us to come in aid of the PRESIDENT, he who by our law has the power, which we ourselves cannot exercise, of removing any of the Executive officers at pleasure? It certainly cannot be necessary; for, as this officer continues to act, we must conclude that he has either acted by instructions, or in such manner as to have given satisfaction to his principal without them. Really, Mr. Chairman, I cannot but believe that if suspicion had not led the gentleman from Virginia astray, the usual correctness of his understanding would have prevented him from pursuing such an *ignis fatuus* as this. Thus, sir, I think I have shown that the PRESIDENT OF THE UNITED STATES certainly had the authority to draw the sums borrowed here, and that, both under his commission and his instructions given, and inevitably implied, the Secretary had also the power to do this. I shall therefore now proceed to a more special consideration of the first charge, that the Secretary has violated the law in applying a portion of the principal borrowed to the payment of the interest falling due upon that principal, which was not authorized by law. Before I proceed, Mr. Chairman, I would wish to remark that, whilst I consider no principle in legislation more correct than that money shall be drawn from the Treasury only under appropriations by law, yet I consider both as impracticable and mischievous the doctrine that the money arising from a special tax shall, in no instance, be used for any other than that special purpose for which the tax was imposed, but an opinion that the sums raised ought rather to be considered as an aggregate fund, applicable to aggregate purposes; and, indeed, if a rigid adherence to the precise letter of the law is necessary, there has been no occasion to go abroad to search for violations; for our Government at home has been able to act only by this violation. It is well known that the duties of impost and tonnage are appropriated, first, to produce the sum of six hundred thousand dollars for the civil list, then to pay the interest of the Foreign Debt, and so on; so that, by a rigid observance of this law, the Secretary must have first collected the six hundred thousand dollars into the public coffers, and then a sum sufficient to pay the interest of the Foreign Debt—a process which only requires stating to show its absurdity, and which must nevertheless have been connected with a minute construction of the law. Indeed, Mr. Chairman, if the acts of common life bear any analogy with public management, which I believe, what could be considered as being more extraordinary than that an individual should appropriate the proceeds of one farm to purchase bread, of another drink, and to declare, in the face of contingencies, that, happen what may, he would starve, should the bread crop fail, rather than use the surplus of that appropriated to purchase drink for its purchase. But to return. What is this charge? A sum of money was due abroad for the interest of 1791 and 1792, to be paid out of the domestic revenues of 1791 and 1792; the United States had an offer to make a payment in part of what was due to France, for which money had

been borrowed, and was already on hand abroad, in a supply of provisions from here to the Island of St. Domingo. The Secretary, therefore, and doubtless with the consent of the PRESIDENT, instead of transmitting either bills or money from this country to France, in order to pay the interest due there, and bringing the money borrowed to pay the French Debt into this country, in order to furnish supplies for St. Domingo, has committed the great crime of directing the money borrowed, and already upon the spot, to be applied to the payment of the interest due, and has taken the sums applicable to the payments of that interest, which was already here, and made use of it to pay the Debt due to France in the produce of the United States; so that, although, apparently, a portion of the principal borrowed has been applied to pay an interest due, yet in reality its capacity to be thus used arose from its constituting in this country an equivalent sum applicable, and which has been applied to pay off the principal of the French Debt, the object for which the money was borrowed. Let candor investigate this transaction, and sure I am its deductions will be directly the contrary of a charge of criminality. I shall conclude with observing that I should have proceeded to examine the other resolutions, which I consider as weak as those I have made short comments upon, were I not restrained by the Rules of the House. But this I will venture to say, that they will be proved unfounded in their investigation, and will merit the witty observation of a celebrated writer, that "though they rose like a rocket, they will fall like the stick."

Mr. W. SMITH regretted that so important an inquiry had been instituted at the very close of the session, when the members were thronged with business of an indispensable nature, and it was scarcely possible for them to bestow that attention and deliberation which the nature of the subject called for. But, while he expressed this regret, he assured the Committee that it was mingled with much satisfaction, in finding that the vague charges of mismanagement, with which the public had long been alarmed, were at length cast into a shape susceptible of investigation and decision. Previous to an examination of the specific charge then under consideration, he claimed the indulgence of the Committee in offering a few preliminary remarks, which, though they did not bear precisely upon the charge itself, yet were intimately connected with the subject-matter of the inquiry, and were justified by the general remarks of gentlemen who had preceded him.

In recurring back to the origin and progress of this examination, it must appear somewhat surprising that that which, in the commencement of the session, was sounded forth as gross peculation, now turned out to be nothing more than a mere substitution of funds, and that that which was announced as abominable corruption, was dwindled away into a mere drawing of money from Europe into this country, to be applied here according to law.

Whatever credit might be due to the motives which had originated this inquiry, every member

would concur in the sentiment, that in a Government constituted like that of the United States, which had nothing but the public confidence for its basis, premature alarms and groundless suspicions respecting the conduct of public officers were pregnant with the most injurious consequences. This opinion was more peculiarly applicable to the important station of Secretary of the Treasury. Intrusted with the management of a large revenue, and necessarily clothed with some latitude of discretion, it was to be expected that he would excite the jealousy of the public vigilance; but as long as he kept in view the injunctions of law, and the public good, his reputation was entitled to that security which is due to every citizen.

An officer, intrusted with the care and distribution of public moneys, is generally looked at with a watchful eye; mankind are too prone to suspect the purity of his conduct; slight insinuations are but too often sufficient to injure him in the public estimation. Such being the natural propensity of things, it doubtless behoved those who wished for tranquility in the country to withhold charges not clearly warranted by proof—to suspend animadversions which were not likely to terminate in conviction. A contrary proceeding had an inevitable tendency unnecessarily to alarm the public mind, to instil into it suspicions against the integrity of men in high stations, to weaken their public confidence in the Government, and to enervate its operations.

There was something remarkable in the nature of the present allegations against the Secretary. Taking them all into view, they presented nothing which involved self-interested, pecuniary considerations; and in this, they essentially differed from accusations against financiers in other countries, to whom motives of interest were generally ascribed as the source of their speculations. To the Secretary, no such motive was imputed; notwithstanding former insinuations against his integrity, the sum of all the charges now amounted to nothing more than arrogance, or an assumption of power, or an exercise of unauthorized discretion.

With respect to discretion, Mr. S. observed that, though in the present inquiry it was not necessary to say much on that topic, being firmly persuaded the Secretary had strictly pursued the injunctions of law, yet, while on the subject, he took occasion to insist that in all Governments a discretionary latitude was implied in Executive officers, where that discretion resulted from the nature of the office, or was in pursuance of general authority delegated by law. This principle was so obvious that it required no illustration; were it contradicted, he would appeal to the conduct of the Secretary of State, who, though directed to report to the House on the commercial intercourse with foreign nations, had, in the exercise of a warrantable discretion, judiciously withheld his Report. He would appeal to the Report of the Committee on the failure of St. Clair's expedition, wherein that failure was in part attributed to the Commanding General's not being invested with a discretion to act according to circumstances.

There was one more observation which he thought proper to premise, before he entered into a discussion of the charges; and that was the disadvantageous situation in which the financier of this country was placed, when compared with that of similar officers in other nations. The Minister of Finance in Great Britain being always a member of the Legislature, and on a footing with other members, was prepared to defend himself when attacked. No charge could be made against his administration which he had not an immediate opportunity of repelling; and the charge and the refutation went out to the world together. The Secretary of the Treasury was, on the contrary, not even permitted to come to the bar and to vindicate himself. Through the imperfect medium of written reports he was compelled, when called upon for information, to answer, as it were by anticipation, charges which were not specific, without knowing precisely against what part of his administration subsequent specific charges would be brought to bear.

If in his reports he was concise, he was censured for suppressing information; if he entered into a vindication of the motives which influenced his conduct, he was then criminated for stuffing his reports with metaphysical reasonings. A gentleman from Pennsylvania [Mr. FINDLEY] had said that the Secretary's reports were so voluminous that he was quite bewildered by them, and that instead of their throwing any light on the subject, he was more in the dark than ever. It was true, the reports were voluminous, but not more so than the imputations on the Secretary's conduct and the orders of the House justified. He did not think that any member, who had attentively perused them, could justly complain of want of information, or of being more in the dark than before; he, on the contrary, believed that so much light had been thrown on the whole of the Secretary's fiscal operations, that if any member could not see, it must be owing to the glare of light being too strong for his eyes. Having made these observations, Mr. S. said he should proceed to examine the first charge, which, after much reflection bestowed on it, appeared to him to contain nothing that was not perfectly authorized by the strict letter of the law.

Mr. S. proceeded next to examine the charge under consideration. It consisted of two items: the first, the application of a certain portion of the principal sum borrowed in Europe to the payment of interest falling due upon that principal, which it was contended was not authorized by any law; the second, the drawing part of the same moneys into the United States, without the instructions of the PRESIDENT.

The first item of this supposed violation of law appeared of so frivolous a nature that it did not merit much discussion; at any rate, it was more an objection of form than of substance. If he comprehended well the purport of the charge, it was nothing more than this—that the Secretary having moneys at his disposal in Europe applicable to the purchase of stock in this country, and having at the same time moneys in this country

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applicable to the payment of the interest abroad, had substituted the one for the other. He had paid the foreign interest out of the foreign funds and he had purchased stock with the domestic funds. This was the heinous offence with which he was charged, and which was thought sufficient to remove him from office. If the moneys in Europe might have been drawn to this country by bills, for the purchase of the Debt, it might have equally been drawn here, by ordering the application of a sum in Europe, for a purpose which would be represented by an equal sum here, to be applied to the purchase. The substance, not the form, is to decide whether this mode of negotiating the matter was proper. Suppose bills had been ordered to be drawn on the Commissioners, and remitted to them, on account of the foreign interest, would not this have been as regular as to draw them for sale? Did the execution of the law require that the Secretary, having funds in Europe with which the foreign interest might be discharged, should nevertheless remit moneys abroad for that purpose, and then, having funds in this country with which the purchases of the Debt might be made, should draw bills to bring the foreign funds here? Was there any necessity for this complex operation, for the expense of remittance, the probable loss on the sale of bills, the loss of interest while the money was *in transitu* when the whole matter could be negotiated by the simple and economical mode pursued? So far from this arrangement being a ground of censure, Mr. S. asserted that, had the Secretary pursued the other mode, he would have been animadverted upon with great severity for such an extraordinary course. He would have been accused of ignorance of his duty, and every loss incidental to the transaction would have been charged to his account.

The second division of the charge, being of more magnitude, required a more lengthy discussion. This instance of violation consisted in a supposed deviation from the instructions of the PRESIDENT, or a supposed acting without any instruction whatever. It was, however, begging the question; it was taking for granted that which did not appear, and which ought not to be presumed. And here, Mr. S. observed, the gentlemen on the other side had entirely reversed one of the fundamental maxims of criminal jurisprudence, which declared that innocence should be presumed and guilt proved; whereas they had presumed guilt, and called upon the accused to prove his innocence.

And what was the slender basis on which the presumption was built? Why, say the gentlemen, the instructions from the PRESIDENT to the Secretary, which have been laid before the House, relate only to the payment of the French debt, and convey no authority to draw any of the foreign loan into this country for the purchase of stock; and hence they infer, he had no authority for this latter purpose.

To comprehend the fallacy of the inference, it was only necessary to recur to the laws, and to the PRESIDENT's commission to the Secretary to

negotiate the loans. Two acts of Congress had passed; one on the 4th of August, the other on the 12th of August, 1790. The first authorized a loan of twelve millions of dollars, applicable to the payment of the French debt; the other a loan of two millions, applicable to the purchase of the Domestic debt. The PRESIDENT's commission to the Secretary embraced both acts and both objects, and under that commission one loan was negotiated applicable to both objects. True it is, that the PRESIDENT's first instructions were confined to one object, namely, the French debt; but the inference is not that no other instructions were given, and that the Secretary acted without authority; but the very reverse, that the PRESIDENT either left the other object to the general discretion of the Secretary, who was, *ex officio*, the proper agent and his representative; or that he reserved it for subsequent and occasional instructions.

This inference must be the true one; first, because a contrary supposition would impute to the PRESIDENT an illegal intention, that of applying all the moneys borrowed under both acts to the object of one only; secondly, because the commission extending to the borrowing fourteen millions of dollars, and embracing both objects, and the instructions being confined to twelve millions of dollars, and to only one object, it followed that the other either was left to discretionary management, or to after regulation, for the law enjoined the execution of both.

If presumption, then, was to govern, the more natural presumption was, that the officer acted according to some general discretion reposed in him, or according to instructions from time to time given. These instructions may have been verbal, as well as written. The written instructions given in the first instance were evidently confined to the object of the first act. The necessary conclusion is, that the application of the moneys borrowed under the second act was not meant to be included in that instruction, but was left to be regulated by a general discretion, or by occasional directions, verbal or otherwise.

To presume that the Secretary acted without the sanction of the PRESIDENT was to suppose that the PRESIDENT was totally ignorant of the application of any part of the loan to the purchase of the debt. But there is in the possession of the House abundant testimony of the PRESIDENT's privity and co-operation—

1st. In his Speech to both Houses, in December, 1790, in announcing the loan, he expressly refers to its being made by virtue of both acts, thereby implying clearly that it had reference to the objects of both. He therein likewise refers the House to a further communication from the Secretary on that subject.

2dly. The Secretary, pursuant to that reference, informed the House, in the name and by order of the PRESIDENT, that a part of the loan, to wit: 150,000 florins, was applied in payment to France; another part, to wit: 160,000 florins, to the Dutch debt; and that it was deemed highly advisable to apply the residue to the purchase of the debt, if

Congress would remove a doubt as to the terms on which the loan had been negotiated. Congress did remove that doubt by their act of March, 1791. It followed, then, of course, that the residue would be applied according to the intimation given. It was so understood on all hands, and the money being to be invested in this country, it likewise followed of course that it must be drawn here. A contrary conduct would have been censurable. And yet, notwithstanding these facts, though the PRESIDENT had informed the House, as far back as December, 1790, that the loan had been a conjunct loan, under the authority of both acts, and consequently for both objects, though, at the same time, he had referred the House to the Secretary for further information in relation to that loan and its applicability, though the Secretary had, in the name and by order of the PRESIDENT, informed the House, by his Report in February, 1791, that only a part of the money borrowed had been applied to the French and Dutch debt, and that the residue would be applied to the purchase of stock, as soon as Congress removed the doubt; though Congress passed a law expressly to remove that doubt, yet it had been gravely and earnestly contended that the Secretary was not authorized to apply any part of that money to the purchase of stock; that it was done without the sanction of the PRESIDENT; and that Congress, until the late call for information, were totally ignorant of the application of any part of it to that object.

There was, then, the fullest and most satisfactory evidence of the privity and concurrence of the PRESIDENT in confirmation of the evidence resulting from official relation. Between the Chief Magistrate and his immediate agents either a general discretion or instruction must be presumed, because it is presumable he will do his duty, and punish where either a discretion has not been allowed, or instructions have not been given, or where those instructions have been contravened.

The argument on the other side implies in the Chief Magistrate either ignorance or neglect of duty. On the one hand, that he was unacquainted with the transaction; or, on the other, that, being acquainted, he acquiesced in a violation of law, without removing the transgressor. Could it be seriously said—would it not be absurdity to suppose—that an operation of such extent, provided for by law, communicated to both Houses, notorious to all the merchants of Philadelphia and New York, as that of drawing and selling the bills on Europe, was unknown to the PRESIDENT? Must he not have been well acquainted with these transactions, and that without daily frequenting the coffee-house, as some of his friends lately advised him? If the instructions or the intentions of the PRESIDENT had been contravened, would he not have vindicated his own authority by removing the officer? But it had been objected that the bills were drawn previous to the sanction of the Legislature by the confirmatory act of March, 1791. Admit the fact, and there was nothing reprehensible in it. It appears, from the first general instructions to Mr. Short, in August

1790, that the Secretary considered ordinary charges and five per cent. interest as within the meaning of the law. Pursuing this construction, and believing it to be very important to the general operations of the Treasury, he drew for the money, reserving himself as to the final application for an act of the House removing the doubt. The drawing for the money was a mere intermediate step, which amounted neither to a breach, nor to a fulfilment of the law, which was wholly silent on that point. The application was the criterion whether the law had been fulfilled or not. If the Legislature had not removed the doubt, the money would have been remitted back for the foreign object, and, from the relative price of public and private bills, without loss, probably with advantage. It was prudent, in the mean time, to place it where it was likely to be most useful. This was done. It was indeed remarkable that all the points now raised as objections were made known in the report, before alluded to, of February, 1791, as things done or intended. No objection was then made or dreamed of.

It has been asked, Why have the instructions not been produced, if any existed? The call had been only for copies of authorities; the instructions may have been verbal. The Secretary, in his Report on Loans, informed the House "that, besides the first general instructions, the trust reposed in him was to be regulated by subsequent and occasional directions." A motive very honorable to him might be assigned for his not bringing forward the PRESIDENT's instructions as a cover. Relying that the province of the House was to examine into the effects of measures, their conformity to law and the public good, and that the necessary Executive instructions were to be presumed, the Secretary had evidently chosen to implicate the PRESIDENT as little as possible.

The order requested the PRESIDENT to lay before the House copies of the authorities directing the application of the moneys borrowed. It was evident that the PRESIDENT construed this order into a call, not for the instructions from him to the Secretary, but for the instructions from the Secretary to his agents; because, in the report made in pursuance of that order, the Secretary presents, by order of the PRESIDENT, his own letters to Messrs. Short, Willink, and Van Staphorst, as the authorities to apply the proceeds of the loans. It followed, therefore, that the paper relied on was not intended to be given as the only instruction respecting the application of the loan. The inference from it was consequently erroneous. The PRESIDENT could never conceive that the House meant to call for his private instructions from time to time imparted to his immediate agent under the words of the resolution. That link must have been presumed. He therefore directed a transmission of the authorities from the Secretary to his agents.

But what has the want or breach of instructions to do with the breach of the law? Suppose no instructions given, or the instructions not pursued, and yet suppose the law to have been completely

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pursued, could it be said there was any breach of law? Or suppose instructions given and strictly pursued, and the law to have been departed from, would the adherence to instructions have justified that departure? Either what was done was nugatory, or it would have been agreeable to law. To affirm the contrary, would be to confound two things perfectly distinct—instructions and laws.

The resolution imports that the Secretary has violated the law of the 4th of August, 1790, by not pursuing the instructions of the PRESIDENT. That law is silent as to instructions. It does not require that the PRESIDENT shall give instructions to the Secretary; nor does it require that the Secretary shall be alone guided by the instructions of the PRESIDENT. It only directs the PRESIDENT to cause a certain sum to be borrowed, and leaves it to him to cause a proper application to be made of the proceeds. The drawing money into this country, with or without authority, to apply it to the purchase of the debt, cannot be deemed a violation of the law of the 4th of August, for it was not loaned under the authority of that act alone, but under the joint authority of the two acts. If any thing is meant by the resolution, it ought to mention both the acts.

To go further, Mr. S. insisted that the Secretary had, *virtute officii*, a legal authority to apply the moneys when borrowed, according to law, without instructions. The loans might have been made in the United States as well as abroad. Suppose them obtained of the Bank of Boston, would it have been criminal for the Secretary, without instructions, to have drawn the money to the places where it would be most advantageously invested? Suppose the loan obtained of the Bank of the United States, would it have been deemed irregular to have, without instructions, issued a warrant to place them in the Treasury? Why was it more irregular or more criminal to draw them from abroad as a preliminary step?

The moment the foreign loans were negotiated, and the moneys paid into the hands of the Secretary's agents abroad, from that moment they became as much under his control and superintendence, subject to legal appropriation, as any moneys in the Treasury. It was not necessary, to establish this position, that the subject of foreign loans should have been specially mentioned in the constitution of the Treasury Department. Many things resulted collaterally from the general structure of an institution which were not expressed in it.

He did not, however, intend that the doctrine here advanced should touch the question as to what official propriety might have required between the Chief Magistrate and the Secretary. It was the point of legality only which he meant to examine. In all Executive functions relating to the finances, the Secretary must be considered as the agent of the PRESIDENT, and the Legislature must take it for granted, where the contrary is not manifest, that the relation has been properly attended to. Justice to both characters dictated the presumption.

It clearly resulted from these remarks—

1st. That there was no ground to infer either want of instruction, or breach of instruction; but directly the reverse.

2dly. It as clearly resulted, that, if there was, it would not follow that there had been a violation of law.

Having gone through this resolution, Mr. S. observed, that, if there was as little of criminality in the subsequent charges as in that which he had just discussed—and from an attentive examination he sincerely believed it—he was satisfied that, notwithstanding all the severe animadversions within, and all the virulent calumny without, the walls of Congress, the conduct of the Secretary would come forth chaste and unblemished. Instead of anything being detected which would disgrace Pandemonium, nothing could be chargeable to him which would sully the purest angel in Heaven. Whatever difference of opinion might exist as to the wisdom and benefit of his measures, he was confident in saying, that in every thing the Secretary had done, he had been guided by principles honorable and patriotic, and he trusted that a very great majority of the Committee would, by their votes, evince the same sentiment. The sword of justice, it was said, ought at times to be taken from its scabbard to keep great public functionaries within the pale of the law; but it should be remembered that if Justice had its sword to punish the guilty, it had likewise its shield to protect the innocent. If the Secretary had committed a wanton violation of law, let the sword be drawn forth for his punishment; but if he has pursued the dictates of an enlightened patriotism, the Committee were called upon to raise the shield for the defence of a faithful officer.

Mr. FINDLEY addressed the Chair as follows:

Mr. Chairman: Being strongly impressed with the importance of our time, which is now so near an end, though I had the honor of seconding the resolutions, I took no part in the debates of yesterday; nor will I now detain you with replies to many of the arguments which have been offered against the resolution now under discussion.

Upon one argument frequently introduced by the gentleman last up, viz: the greatness of the Secretary's character, &c., I will only make a single remark. There is no character officially known in Executive Departments of this Government, who merits pre-eminence, or to whom a degree of greatness can be ascribed, but in proportion to his prompt execution of the laws, and the attention with which he discharges the duties of his office. From this rule, the PRESIDENT himself is not exempted, much less a subordinate Secretary, whose appointment is during pleasure, and the duties assigned him of a changeable and temporary nature. But to come to the resolution before us. The first questions that offer themselves, are: Was the money in question appropriated to special and distinct purposes? Did the Secretary of the Treasury apply the money to other uses than the law directed?

In answer to the first, it is only necessary to advert to the law authorizing the loans. The law authorizing the twelve million loan, appropriates

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whatever amount may be borrowed solely to the payment of debts then due to France and Holland. The law authorizing the two million loan directs the application thereof to the redemption of the Domestic Debt, in aid of about — dollars, arising from the revenues previous to the 1st of January, —. These appropriations are precise, distinct, and unconditional. With respect to the uses, no room was left for the exercise of discretion. The will of the Legislature was express and clearly defined; it left no room for evasion, nor any excuse for mistake; nor did the PRESIDENT transfer to the Secretary any other authority or instructions than what the law expressed.

But the gentleman from South Carolina says, that the presumption is, that the PRESIDENT did give other instructions than he has communicated; that, in this case, presumption should be admitted as conclusive testimony, and that neither the Secretary nor the PRESIDENT is obliged to communicate the instructions or authority to us. The gentleman is a lawyer: I will appeal to himself; I will appeal to all the professional members on the floor, whether presumptions can be admitted as proof, where, in the nature of the case, positive testimony can be procured. Surely, in Courts of Justice, positive testimony is always required, and presumptive is rarely admitted; but in this case, the presumptive is by the gentleman set in opposition to the positive. However, this is not the case in fact. The PRESIDENT did give commission and instructions, and those are fully communicated to us. If he conceived we had no right to demand them, he would have told us so; if he had kept any part of them back, he would have informed us, and assigned his reasons for doing so. I presume that the PRESIDENT has acted the part of a candid, honest man; the gentleman presumes the reverse. The suggestion that this House, which has the exclusive right of originating the appropriation of money, has no right to be informed of the application of it, is so novel and extraordinary, so inconsistent with every idea of propriety and good Government, that it requires no reply.

Did the Secretary apply the money borrowed in Europe agreeably to the legal appropriations and the instructions of the PRESIDENT? No, he did not; though some of the gentlemen do not acknowledge this, yet the Secretary has clearly acknowledged it himself, and has filled his Reports with labored and ingenious apologies for so doing. He has suggested a variety of motives, and taken infinite pains to charm us with the mighty public advantages resulting from his doing so. He acknowledges combining the loans, and directing the application of them, in the very offset, in a way contrary to law; he acknowledges having drawn to this country, and applied in Europe, to uses for which other moneys were appropriated, near \$3,000,000. Out of this he has paid upwards of \$400,000 of the French debt, to St. Domingo. I do not complain of paying the interest due in Europe out of the money drawn here. The gentlemen apply the force of their arguments, with great attention, to support or apologize for this

part of the Secretary's conduct, as if against this only the charge in the resolution lay. But we do not object to applying that money in Holland, which ought to have been brought here, if the money which, according to the appropriation, should have gone to Holland, had been put to the use here for which the other was intended. A simple exchange of money for the purposes of conveniency or economy, is properly one of those cases to which Ministerial discretion may safely be extended; but the question before us is, the money has not been replaced. The amount of money has not been applied to the uses intended; consequently, the appropriation has been disregarded. It is acknowledged that though there were upwards of \$1,300,000 of the Domestic Sinking Fund, and upwards of \$2,800,000 drawn from Europe, besides the moneys applied to the relief of St. Domingo; and yet, when these inquiries began, there was not \$1,000,000 applied to the redemption of the Public Debt, and even yet the whole of the domestic appropriation has not been applied to the Sinking Fund, notwithstanding that the Public Debt is now, and has for some time been under par. We have it on record that the Secretary never informed the Commissioners of the drafts he made on Europe, although the fund was exclusively to be at their disposal.

However, I will not detain the Committee with minute calculations. They are not necessary; the Secretary has acknowledged that he drew more money from Europe than the law authorized him to do; that he was influenced to do so by motives not contemplated in the law, and had either applied it, or drew it from Europe with the design of applying it to uses not authorized, and that he has broken in upon the fund appropriated to the discharge of the French debt.

Indeed, the delay of information, the receiving it by piecemeal, the abundance of reasoning and apologies, when only simple and plain statements were required, renders a scrutiny of all his calculations a work of time and labor. Therefore, I have contented myself with the facts which the Secretary acknowledges and vindicates on the questionable ground of policy. It remains to be inquired, had the Secretary a right to depart from the directions of the law in the execution of it? Could he, without a violation of the law, divert the money from its appropriate uses, to purposes foreign to the intention of the Legislature? He certainly could not.

The application of appropriations is the most sacred and important trust the Legislature can confer. If they may be made to bend to the will or projecting policy of a Financier, there is an end of all security and confidence. When the Legislature makes an appropriation of a general fund to a variety of uses, as has been done with respect to the impost, tonnage, excise, &c., there is necessarily a considerable degree of discretion left with the Executive, as far as respects preference to one or the other of the appropriate uses. But where the money is appropriated solely to a special purpose, as in the case of the loans, he who executes the law has no degree of power

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over the appropriation. There is ample room for discretion in many material circumstances respecting them, such as the terms of contract, the time of drawing, the agents employed, &c., but to assume or exercise the power of changing the appropriation is assuming a power to repeal the law itself in its most essential authority; it is assuming that power of dispensing with the laws which produced the late revolution in Britain. If the will of the Minister may control and give another direction to the will of the Legislature, the Sovereign Legislative authority is transferred from the Representative of the people to the temporary Minister. If we admit that the Ministerial agent is not responsible for his conduct, nor subject to censure, because he is appointed, and in this instance authorized by the PRESIDENT we will introduce the long-exploded doctrine of Charles I. of Britain, which brought ruin on the King and the Government. However, there is an essential difference, for in the case before us, the authority and instructions given by the PRESIDENT were agreeably to the law, but the conduct of the Minister was contrary to both. If, as I have said, the application of money to its appropriated uses, is the most sacred and important trust which the Legislature can confer; if the person who can apply the money to what use he pleases, may, by that means, command all the influence and all the force of the Government, I conclude that betraying the important trust partakes of the nature of treason.

The question before us is, not whether the Secretary has applied the money to a good or to a bad use? Whether he has, by departing from the legal appropriation, supported public credit better, or made a more convenient accommodation to what he or his friend may suppose to be the national interests. Neither the Constitution nor the laws have constituted him the judge of the national interests, nor submitted it to his wisdom to prescribe the degree of public credit which the nation ought to possess. The public credit and other national interests ought to be no other than the Legislature wills them to be, and ought only to be supported by the means, and in the manner thereby prescribed. This is the voice of the Constitution, the voice of the law, and the voice of reason. The PRESIDENT and both branches of the Legislature being the real, as well as the legal Representatives of the people, it is reasonable that they should be the sole judges of their interests. When this House repeatedly called for information from the Secretary, they did not call for political essays nor labored apologies; they did not constitute him the judge for, nor the instructor of the Legislature; they cared nothing about his variety of motives, nor his extensive and self-important plans. These he might have referred to embellish a system of finance, when he would again be called upon to report one to the House. They only required an account of his stewardship. It was time enough to make apologies when he was blamed; prefacing his statements with apologies, and being irritated at inquiries, and artfully evading so many calls for information, discovered a consciousness of blame.

However, I will admit that an Executive officer, pressed by some urgent and unexpected necessity, may be induced to depart from the authorized path of duty, and have great merit in so doing. This may be the case with the General of an army or the Admiral of a fleet, and, though more rarely, even with a Financier. But in such emergency, the officer so acting will embrace the earliest opportunity to explain the matter and obtain a justification, whilst the recent feelings arising from the occasion advocates his cause in the public mind.

Has the Secretary done so in the present instance? No: his conduct has been the very reverse. Notwithstanding repeated and explicit calls, both at the last session and the present, the extent of these transactions was concealed. A bill passed this House authorizing another loan of \$800,000; a second bill was urged in an unprecedented manner, for a loan of \$2,000,000; and, though this was a favorite bill with the Minister, the very inquiry after this information induced his friends to shrink from the matter, and desert the object about which they had discovered so much solicitude. But when the disclosure is made, does there appear any urgent necessity to justify this measure? No; there was none except what existed to the unauthorized plans of the Financier. He informs us that he thought it necessary to have always \$500,000 or \$600,000 at his command. I ask what law authorized him to think so? Did the Legislature judge this necessary? No. Did he ever state the necessity to the Legislature, and recommend such a provision? No, he did not; and we know he has never been backward in recommending Revenue Systems, nor in contriving uses for revenue. Supposing a sudden necessity for money, arising from a disappointment of some remittance, where was the boasted aid of the Bank, which was to have administered aid in all sudden emergencies? Could not bills have been sold for cash when the necessity pressed? Or could not a temporary loan have been procured from any of the banks? Certainly they could. Loans were obtained at the Bank when no necessity required such aid, and when the public money, to a much greater amount, was deposited with the Bank. In short, no necessity of State, for purposes authorized by the Legislature, existed. If there was a necessity at all, it must have arisen from another quarter—most probably from the Bank itself and its branches. A key to this suggestion may be discovered from a comparison of drawing at the times, and the situation of the Bank at such times? [Here Mr. FINDLEY was called to order, upon the ground of his arguments not being confined to the resolution before the Committee.] He alleged his arguments applied strictly to the charge of violating the law contained in the resolution; but as a further opportunity of applying the arguments arising from necessity and discretion would be given when a subsequent resolution was brought before the Committee, he would pass it now, and conclude with a very few remarks. He said the exercise of the power assumed by the Secretary,

was inconsistent with that public confidence upon which the Government alone was founded; that it was inconsistent with public safety and a Government of laws; that the Secretary seemed to take the whole Government upon his shoulders, and to consider all the great interests thereof to be committed to his providence. His reports spoke the language of a Frederick of Prussia, or some other despotic Prince, who had all the political powers vested in himself—not the language of a dependent Secretary, under a free and well-ordered Government.

Mr. GILES rose.—He was sensible that he stood in a peculiarly delicate situation, in which nothing short of the public good could have induced him to place himself. If a public and highly responsible officer had violated the laws, it was necessary that he should be called to an account for it; and to determine whether in the instances before the House, he had been guilty of that violation, it is necessary to compare the testimony with the facts alleged in the resolutions before the Committee. He first adverted to the law authorizing the PRESIDENT OF THE UNITED STATES to borrow twelve millions of dollars for the purpose of paying the foreign debt. On this, he remarked that the authority of borrowing was expressly given to the PRESIDENT, no doubt, with an eye to the personal virtues of the character who fills that office; the loan is also directed to be made solely for the purpose of paying the Public Debt. Here he remarked, that in every appropriation law, the appropriation is always emphatically mentioned, which is an evidence that the Legislature intend to remain the sole judges of the applications of money. He read a letter from the Secretary of the Treasury, who was employed by the PRESIDENT to negotiate this loan, to Mr. Short, the Secretary's Foreign agent for this purpose, dated the 9th of May, 1791, in which the Secretary informs Mr. Short, that one million and a half of the money he had obtained on loan, was destined for France; of which sum he was authorized to apply immediately one million, but to reserve eight hundred thousand florins to answer such subsequent directions as he should receive from the PRESIDENT. He cited this passage to show that the million and a half which had been obtained on loan, was destined for France.

To remove any doubt that might remain upon this head, he referred to a preceding letter from the Secretary to Mr. Short, dated the 13th of April, in which it is also expressly said, that of the two millions borrowed, one million and a half is intended for France, the remaining half million to wait for further directions. Having established this point, he adverted to the resolution before the Committee, which says, that he applied a portion of the principal borrowed to the payment of the interest falling due upon that principal, without being authorized so to do by any law. To show this, he referred to a report of the 3d of January, containing sundry statements respecting foreign loans. That part of the Report to which he alluded in proof of the fact, stated in general terms, a sum paid on account of foreign loans, and this

sum was taken from the principal borrowed, and amounted to 1,833,189 florins. If his statement was accurate, the fact he wished to establish was proved. He wanted more light, he confessed, than he could collect from the Secretary's official communications. He should not go into the examination of what circumstances might have induced the Secretary to deviate from the positive injunctions of the law, or to make any remarks upon his conduct, until he had heard what gentlemen would say to controvert the fact he wished to establish.

Another fact of consequence he wished to prove, viz: that part of the money obtained on loan in Europe had been drawn over, though not wanted here for any public purpose. This appeared from other papers. He turned to the instructions from the PRESIDENT to the Secretary of the Treasury, authorizing him to borrow \$14,000,000, in which the Secretary is cautioned to keep in view the two several acts authorizing the loans, and the distinct conditions they contemplate. By the instructions of the PRESIDENT, the Secretary is authorized to apply the moneys. In the execution of the trust confided to him, the PRESIDENT generally directs him to employ Mr. Short to negotiate the loans, to borrow in the manner prescribed by the acts, and to discharge immediately the arrears of interest due to the French, to which purpose and to the complete payment of that debt the twelve million loan was altogether appropriated. If this money, then, was shown to have been drawn here, it was neither warranted by law nor by the PRESIDENT's instructions. The Secretary did begin to draw as early as 1790, and had continued to draw from time to time, till 1793, without giving notice of this to the Legislature. Having shown that the Secretary had drawn without authority to draw, he next proceeded to consider the purpose of those drafts.

The money thus drawn for was not, he stated, applied to the purchase of the Public Debt. No money obtained from foreign loans was thus applied until this year; the domestic resources appropriated to this object were never exhausted. These were the facts involved in the first resolution, which he wished to establish. Before he proceeded further into the discussion, he wished to hear what gentlemen had to say to controvert them. He wished to see justice done in the matter before the House; he wished justice, also, to be tempered with moderation and mercy; and if gentlemen could show the necessity for deviations from positive law, which he had endeavored to point out, it would exonerate the Secretary from a very great share of blame.

Mr. BARNWELL called for the reading of certain parts of the two acts authorizing the loans. One, of the 4th of August, authorizes a loan of \$12,000,000, to be obtained without limitation as to the interest, for the purpose of paying the Foreign debt; the other is of the 12th of August, for \$2,000,000, the interest to be not more than five per cent, and for the purpose of reducing the Domestic debt.

Mr. SEDGWICK, to disprove that the drafts alluded to had been made without the knowledge of the Legislature, called for the reading of the

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PRESIDENT'S Speech to both Houses on the 8th of December, 1790, and a subsequent report of the Secretary of the Treasury to the same point. By this, it appeared that the power of borrowing having been exercised under the joint authority of the two acts, the Secretary states a difficulty that had occurred to him on the subject of the drafts alluded to. The money having been obtained on an interest of five per cent., exclusive of *douceurs*, he wished the Legislature to determine whether it might strictly be considered as borrowed under the second act, which limited the interest at five per cent. This was sufficient, he conceived, to show that the Legislature were not ignorant of those drafts, and an act was passed solving the Secretary's doubt, and sanctioning his construction of the law.

Mr. GILES remarked, that he had drawn before that sanction was obtained.

Mr. FITZSIMONS observed, on the first charge in the resolution, that, as the interest of the money borrowed in Europe is payable where borrowed, it was economical in the Secretary to pay that interest with moneys there, which were to be drawn here, and replace the sum by taking the amount from the funds here destined for that payment. A financial operation of this nature is simple, and saves the trouble of drawing with one hand and remitting with the other. He conceived there was no just foundation for the first charge.

Mr. LAURANCE said, that when the resolutions calling for information from the Treasury Department were first brought forward, the public mind was impressed with an idea that there were moneys unaccounted for. This charge is now dropped, and it is honorable to the officer concerned that, after much probing, nothing is found to support it. The inquiry now is, whether a debt was paid out of this or that fund. He did not admit the fact, that it was paid out of any other moneys than what law strictly warranted. He went into a history of the subject from its origin. He stated the nature and purposes of the loans. There was nothing to prevent the PRESIDENT from consolidating the two loans, provided such an arrangement did not interfere with the purposes intended by them. The PRESIDENT employed the Secretary to obtain the loans under the joint authority of both acts, as it was found that the object could best be carried into effect by such an arrangement. The money thus borrowed became subject to the appropriations of both acts, and not exclusively for the payment of the Foreign debt. Then, as part of that money was subject to be drawn here for the redemption of the Domestic debt, and the interest of the loan was to be paid with Domestic funds, it was perfectly reasonable to avoid further drafts and remittances to pay the debt there with money there, and replace it here with money already here. The fact stated in the first part of the resolution is, by this plain statement of the case, substantially refuted, and appears altogether unfounded; but if the fact is proved, what is implied? No injury to the interests of the community; the intention of the Legislature has been in every point fulfilled. If the Secretary had acted

differently, he would have been guilty of an absurdity, and to blame for sacrificing the public interest and neglecting the spirit of a law for a strict and unprofitable observance of its letter.

Mr. SEDGWICK, by adverting to the Speech of the PRESIDENT and Report of the Secretary, had shown that the Legislature had been made acquainted with the drafts, and sanctioned future ones on the same principles. The latter part of the first resolution criminate the Secretary for making them without instructions from the PRESIDENT. Even if this was the case, he did not know whether this was really reprehensible. He defended it on the ground, that the Secretary is the officer appointed by law to superintend the finances and apply all moneys agreeably to appropriations. He took a view of the subject, as stated by Mr. LAURANCE, and concluded by asking, whether, if the Secretary was found, on a critical examination, to have deviated in a trifle from the letter of the law, such a deviation was sufficient to warrant the alarm's being sounded from St. Croix to St. Mary's, and whether the precious time of the House, at the close of the session, with a vast variety of business on their hands, should be taken up in so unprofitable and frivolous an investigation?

Mr. GILES said, the transaction alluded to by the gentlemen to controvert the fact laid down in the first part of the resolution before the Committee was not immaterial, as they had endeavored to show it. It was not merely a financial operation to avoid the necessity of drawing and remitting. The truth was, that the Secretary had drawn over nearly \$3,000,000. The PRESIDENT's authority was limited to \$2,000,000.

Mr. LAURANCE was of opinion, that if the PRESIDENT, or his agent, had drawn the whole amount of the money obtained under both loans, he could not be said to have gone beyond his authority. He was authorized to borrow \$12,000,000 to pay the arrears on the Foreign debt, and to modify the whole. In the execution of this trust, he might have found it advisable to draw to the country the whole of that sum. It had been found advisable to draw for part, and to pay the French by shipping produce to St. Domingo. If the money expended for supplies to St. Domingo is deducted, the balance will be found less than \$2,000,000.

Mr. L. contended, that the interest of the moneys borrowed was not paid out of the principal of the loan, as set forth in the first charge of the resolution before the Committee. If gentlemen would attend to the history of the transaction, they would find this strictly true. This interest was paid out of the moneys borrowed for the reduction of the Public Debt, and not out of those intended to pay the French, and the funds appropriated for the payment of that interest were here to replace the former and be applied as those were appropriated. He referred to the PRESIDENT'S Speeches at the commencement of the two last sessions, to show that the loan was obtained under the joint authority of both acts; and adverted to the act of Congress, in consequence of a doubt suggested by the Secretary, explaining that the moneys first obtained might be considered as bor-

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rowed under the act authorizing the two million loan. Having shown the first charge in the resolution to be unfounded, he turned to the second.

The Secretary is accused of drawing moneys to this country without instructions. In this transaction, the PRESIDENT must be considered as the principal, and the Secretary the agent, or the Secretary must be looked upon as the principal. If the PRESIDENT is the principal, and he be authorized to obtain the loans, as soon as the money is obtained it naturally falls under the direction of the financier; but if it be contended that the PRESIDENT was to have applied the moneys as well as to borrow them, then we have nothing to do with the agent; that agent is accountable to his principal, and as this principal is not called to an account by the Legislature for any improper exercise of discretion, he must be considered as having acted strictly within the law. If the Secretary is considered as the principal (and by a strict attention to the law, he believed, it would be found so, for the PRESIDENT is by it authorized to borrow, and it is not expressed who shall apply the money) then it was not one of the duties of the Secretary to procure the instructions of the PRESIDENT, being the principal, and consequently having the direction of the money borrowed, he is made the judge of the time of drawing, to fulfil the intention of the law. Was the money, he asked, to have remained in the hands of the banker in Europe? Since it was borrowed for the purchase of the Public Debt, the sooner it was drawn over the better, and the Secretary having the direction of those moneys, could do it without consulting the PRESIDENT. He proceeded to show, however, that the Secretary had by no means acted entirely without regard to the PRESIDENT's instructions. His letter to Mr. Short, which had been read, expressly says, that he is waiting for instructions from the PRESIDENT, and the only instructions brought forward clearly shows, that he did not act without them. On this occasion it was not necessary, he conceived, that all the private communications between those two officers should be brought forward; indeed many of the instructions might have been verbal, and of a private nature. Another proof lies before the Committee, to show that the Secretary did not act independent of instructions. A Report of the Secretary mentions that some matters relative to the loans were under consideration of the PRESIDENT OF THE UNITED STATES. This document, the gentlemen were in possession of when they framed the resolutions; and it, in his opinion, left very little ground indeed to suppose that the Secretary had acted without instructions.

That officer, he contended, had strictly obeyed the Appropriation law; he had not drawn one dollar that the act did not warrant. On the authority of one act, the Secretary drew two millions (by the by he wished to remark, that the Secretary is not the officer who actually draws, who sells the bills, or who receives the money; this falls within the province of the Treasurer, the Secretary does not touch a penny of those mo-

neys) to apply to the reduction of the Public Debt. The other act gave the PRESIDENT power to draw every dollar of the loan it established, if he thought fit, if those who were to receive the money wished to be paid here. Will the remittance which afforded so seasonable a relief to St. Domingo be found fault with? If this mode of paying was within the authority vested in the PRESIDENT, surely the power of drawing must have accompanied it. He concluded by observing, that he had stated his ideas on the subject in a hasty manner, for the want of time to go more fully into the discussion.

Mr. MERCER next rose. None of the communications from the Secretary of the Treasury had removed his suspicions relative to the transactions of that Department. What had fallen in the course of the discussion, had not removed his doubts. He confessed himself more at a loss than ever to account for the conduct of that officer. To judge of the propriety of his conduct, it was necessary to consider what his duties are, and investigate whether a necessity existed to justify the drawing complained of. Gentlemen, in their arguments, had alluded to some observations that had fallen from him on other occasions expressive of his opinion, that there had been corruption in that Department. This opinion he still entertained. He suggested that some irregularities had taken place as to the money appropriated to the Sinking Fund. This might be the fact, and his suspicions were sufficiently urgent to warrant him in suggesting that it might be possible. At the close of 1792, he stated there was a balance of cash in the Treasury of \$2,331,182, and the bonds due in the course of the present year would produce a sum of about \$2,269,000. Yet a proposition was made in the House, predicated on a total want of money in the Treasury, to borrow \$800,000 in addition to the \$400,000 already borrowed of the Bank.

[Here Mr. BOUDINOT interrupted the member, as being out of order. The Chairman, conceiving Mr. MERCER's remarks to be introductory to, and connected with the observations he intended to make on the resolution, declared him in order.]

Mr. MERCER proceeded to show, by sundry statements and calculations, that there was no necessity for this loan of \$800,000. The House, he said, to discharge their duty, should be satisfied how the money appropriated was applied, before they consented to repeated additional appropriations. When calls for information had been made by the House, with a view to comply with this their indispensable duty, the Secretary had thought it sufficient to balance money actually received, by calculations of sums that would probably be wanted agreeably to appropriations. Were dollars, he asked, to be balanced by absolute appropriations? Can things certain be balanced by things uncertain? Actual expenditure would alone balance actual receipt. Appropriations founded only on uncertain calculations could not show the money actually laid out. He adverted to some calculations made to ascertain the probable expenses of the War Department.

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[Here the member was again called to order, and was declared out of order by the Chairman.]

Mr. M. confined his observation more immediately to the resolution before the Committee. It had been said, that the interest paid was paid out of moneys that were to be drawn to this country, and were replaced here by funds from the domestic resources originally appropriated for that object, and that the dead letter of the law, if any part of it, had alone been violated. He contended there had been an essential violation.

The sums drawn for and appropriated to reduce the Public Debt, were not applied to that purpose; the domestic resources appropriated to that object, never were exhausted. If this is the case, conclusions surely unfavorable to that officer must naturally follow.

He proceeded to make some remarks on the question, whether the Secretary had acted under instructions from the PRESIDENT. It was disagreeable, he premised, to criminate the character of any officer. He bore a great respect for the PRESIDENT, for his virtues, talents, and services, but however grating to his feelings it might be to find fault with any part of his conduct in this matter, he was unable to discharge his duty under his present impressions, unless he avowed that he conceived that officer had violated the law, though he allowed, without intention, by not inquiring into the subject, while transacting, as it was his duty to do. He must declare that he saw no proof that the Secretary had acted under the PRESIDENT's instructions. On the contrary, he saw the reverse, there was even no presumptive proof of the fact. The House had called for information as to the extent of the authority delegated by the PRESIDENT to the Secretary. Either the Secretary has produced the proof of this authority, or he has not complied with the order of the House; it does appear that he has gone beyond it in making the drafts complained of. The PRESIDENT directed that the proceeds of the loan be immediately applied to pay the French; yet a great portion of that money was brought over here. It was said, that he might have brought the whole here if he chose, and paid it to the French here. This argument goes on the presumption that the PRESIDENT might do wrong without incurring blame. But the PRESIDENT expressly directed it to be paid immediately to France; and the House had no right to presume that he did direct the money to be drawn here, when proof to the contrary appears. Upon the whole, he concluded that the law had been broken in letter and substance, and that the Secretary had acted without proper instructions from the PRESIDENT.

Mr. LIVERMORE observed, that the charge against the Treasury Department was at first well calculated to beget serious alarm. When misapplications of the public money are sounded in the public ear, all feel interested, knowing, that what affects the public purse, must in a degree affect the purses of each private individual. In the present stage of the subject, he was happy in being able to felicitate himself and his fellow-citizens, that even should the whole of the charges contained in the

resolutions be proved, it would not appear that they had lost a farthing by the conduct so loudly complained of. What is the charge? That the Secretary has paid an interest that was justly due; why then, he presumed, we should not have it again to pay. If the Secretary has paid what was due, what then is the complaint? It was surely not intended, that it should not have been paid. This was not the intention of Congress; for they passed an act providing funds for its payment. The Secretary was then right to pay it. But it is said, he paid with the wrong money. He saw no harm in not paying it with the very dollars appropriated, and approved of the operation, which saved drawing with the one hand and remitting with the other; in this there was no crime committed, no loss incurred. It appears, on the contrary, that something was gained by it. So far, then, he was clear, no law had been violated, nor was any rule of propriety departed from. He then touched upon the Secretary's disputed right to draw. He contended, that he had that right. The loans were obtained under the joint authority of the two acts. It was said that more than two millions, the amount appropriated for the Sinking Fund, were drawn over; but, he insisted, he might have drawn the other twelve millions, if it had been for the public interest so to do. The French wished to be paid here, and it being no loss but rather a profit to comply with their wish, where was the harm in so doing? If any public loss had been incurred owing to these drafts, then blame would lie. He concluded, by expressing his hearty approbation of the conduct of the officer who is criminated by the resolutions, and declared it as his firm intention to give them his negative.

Mr. HILLHOUSE argued, that the interest paid, was not paid out of the \$2,000,000 loan, and that the drafts were made agreeably to the directions of the PRESIDENT. He showed this by the documents which had been already referred to. He put in a clear point of view the propriety of avoiding the expense and risk of drafts and correspondent remittances, and concluded by giving his approbation to the conduct of the Secretary in the transactions complained of, and by expressing it, as his firm belief that a majority of the Committee, from the evidence before them, would undoubtedly be of opinion, that the charges brought forward are unfounded.

Mr. SEDGWICK rose to correct a mistake of Mr. MERCER'S. That gentleman had asserted, that the Secretary had drawn on Europe, before the loan, obtained by the Commissioners under the old Government, was ratified. This was not the case. The loan had been ratified in pursuance of the provisions of the act authorizing it. The PRESIDENT in his Speech, December, 8, 1790, says, "that agreeably to the power vested in him at the last session, the loans in Holland had been completed."

By existing acts of the Legislature, and from express communications from the Secretary of the Treasury, it appears, that all the moneys borrowed were deemed borrowed under the joint authority of both acts, and not to be solely appropriated for the payment of the Foreign Debt.

Mr. MERCER explained, that he had said, that the Secretary had drawn from the loan obtained under the authority of the old Government, before said loan was legalized by law. If the Legislature had the right to legalize it, they had the right to reject it.

Mr. LEE next rose. He observed that as he found himself under the necessity of differing from his friend who had moved the resolution, with whom he generally agreed in opinion, and was accustomed to act, he begged the attention of the Committee for a few minutes. To determine whether the Secretary of the Treasury had acted legally, it was necessary to examine whether the authority from the PRESIDENT and his subsequent instructions authorized him to consolidate the loans under the acts of the 4th and 12th August, 1790.

On this question Mr. L. observed, that there seemed to be no objection to such a construction, except that which arose from the difference of interest allowed by those acts. That the first loan was commenced without any regular authority by a company in Amsterdam, that it received its authenticity from the acceptance of the Secretary of the Treasury. The interest and douceurs on this loan amounted to more than an interest of five per cent., which was the only premium contemplated by the act of the 12th of August. It could consequently be accepted only under the act of the 4th of August, which gave no limitation to the interest which was to be allowed. This money seemed therefore solely applicable to the payment of the Foreign Debt. From his report of the 24th of February, 1791, the Secretary himself seemed to have had this impression. Congress seemed also to have had this impression, as on the 3d of March following they passed an act authorizing the application of this loan to the object of the act of the 12th of August, 1790. After the 3d of March, 1791, therefore, the Secretary of the Treasury had a right to bring this money to America for the purposes of the Sinking Fund. The interest of the Foreign Debt becoming due, for which domestic revenues were pledged, he thought it prudent to pay that interest out of this loan, relying on the domestic revenues to replace it for the purposes of the Sinking Fund. This was a mode of bringing the money here, and he was not limited in his discretion as to the mode; and therefore had a right to follow that which appeared to him most advantageous. The paying of the foreign interest out of this loan was made after the 3d of March, 1791.

Mr. L. had no doubt as to the legality of all the proceedings relative to moneys drawn to this country subsequent to the third of March, 1791; even the moneys borrowed for the Foreign Debt, because an higher interest than five per cent. was stipulated for, on any of the subsequent loans, and because the PRESIDENT, in his instructions to the Secretary, leaves the mode of paying the Foreign Debt to his discretion. If he judged it for the advantage of the United States to bring this money, in the first place, to America, the legality of such a measure cannot be questioned, though the economy and wisdom of it may not be admitted.

On this point, Mr. L. acknowledged, that he had not time to examine minutely all the statements and reports of the Secretary to judge of those exigencies which induced the drawing of all the money which had been drawn to America.

Whether it had been consistent or not with the interest of the United States, Mr. L. was of opinion, that the Secretary had legally a right to bring all the money he had drawn for to America, except what was drawn prior to the third of March, 1791. This money was drawn out of the first loan; it was drawn as declared, for the Sinking Fund; the first loan, for the reasons before stated, could not be applied, and consequently till the act of the 3d of March, 1791, this money could not be legally drawn for the Sinking Fund. Perhaps this act caused the irregularity of this proceeding.

But is not the Secretary of the Treasury subject to blame? Mr. L. observed, he thought he was not altogether free from it. At the meeting of Congress on the 8th day of December, 1790, the PRESIDENT in his Speech informed both Houses, that the first loan had been accepted, and that the Secretary of the Treasury had directions to lay the particulars before them. But what did he do? On the 15th of December following, he began to draw money on account of this loan to America, for the Sinking Fund; though from his Report on the 24th of February, 1791, he appears to have had a doubt as to the legality of this proceeding. He delayed giving information, in conformity to the PRESIDENT'S Speech, till a few days before the dissolution of Congress. This conduct, Mr. L. said, seemed to argue a distrust of the Legislative Councils. Mr. L. dilated on the necessity of the purest and most confidential communication between the Secretary of the Treasury and the Legislature, and said, though he could not agree to the resolution then under consideration, there was one, subsequent to it, relating to this point, which he was sorry to find himself under the necessity of voting for.

Mr. BOUDINOT considered it as the duty of the Committee in the discussion of the charges brought forward to confine themselves strictly to the points in question. The present examination differed from ordinary Legislative business. Specific charges are brought forward against a highly responsible officer; the facts brought forward to support those charges should be understood and considered, to form a right judgment on them. The Secretary is charged with having violated a law, by paying the interest due on a loan out of the principal of that loan. He went into some statements and calculations to show that the money paid on account of foreign loans, as stated in official documents, could not have been paid on account of interest of the late loans, from the disproportion of the sums.

He need say nothing more, he conceived, to show that the first charge in the resolution immediately before the Committee is unfounded. If what he said was not sufficient to disprove it, he asked where is the evidence to support it?

He next turned to the second charge in the resolution, viz: that the Secretary had made the drafts

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complained of without the PRESIDENT's instructions. Here he noticed a mistake some gentlemen had fallen into, when speaking of the call of the House for information. This was a request to the PRESIDENT, and not an order to the Secretary. From the information communicated in consequence of this call, it did not appear that the Secretary had acted without, or contrary to instructions, and he insisted, that he ought to be presumed innocent till he was proved guilty.

He argued, that the authority given to the PRESIDENT in the subject put it in his power to draw the whole fourteen millions to this country, if he thought fit; it could not, therefore, he contended, be insisted, that the amount of the drafts had passed the limits of the authority given. It is not denied, he proceeded, that there was a right to draw for the two millions appropriated for the reduction of the Public Debt. Well, it has appeared, on a certain occasion to the House, that our Minister in France negotiated a contract with the National Assembly, or their officers, for the payment of \$800,000 of the debt due them, here; then certainly, the exigency of the case required that this sum should be drawn here for the purchase of provisions for St. Domingo, in which this payment was to be made. Here then was a positive necessity of drawing for \$2,800,000, and as a discretionary power in the subject had been left to the Executive, they might have found it advisable, perhaps, under an expectation of additional payments in the same manner, to have drawn over as much more as they might have thought prudent.

He adverted to the application of the Secretary to the Legislature to declare whether the loan obtained, for an interest of five per cent., exclusive of *douceurs*, might be considered as borrowed under authority of the \$2,000,000 act. It was his (Mr. BOURNOR's) opinion at the time, that no explanatory law was necessary; and that the Executive had power to construe the act in that sense. This was also the Secretary's opinion, and in consequence of that opinion he had drawn bills. He thought it however right to apply to the House and have every doubt removed, and the Legislature sanctioned his construction of the law.

It had been said, that if the Legislature had a right to confirm, they also had a right to reject the construction put upon the law by the Executive. This, he conceived, they would not have been warranted in doing, after a contract agreeably to that construction had been made; such a proceeding must have involved a breach of contract.

It had been repeatedly asserted and strenuously insisted on, that the Legislature were totally in the dark, as to the drafts from Europe. To disprove this assertion, he read several items from sundry Reports of the Secretary, where sums received on account of loans are specified. It had also been said, that there was no evidence that any part of the loan was applied to or intended for the purchase of the Public Debt.

This also appears unfounded, from a note dated 25th of August, 1790, laid before the Trustees for purchasing the Public Debt, which expressly mentions, that a loan had been negotiated, part of

which was destined for the purchase of the Public Debt, and that some points relative thereto were before the PRESIDENT for his approbation. This also showed that the PRESIDENT had knowledge of such intentions. His Speech, and the Report of the Secretary, in consequence of part of that Speech, which had been so repeatedly referred to, also unequivocally prove this point.

He recapitulated the heads of his arguments, and concluded, that if nothing further could be brought in support of the charges now before the Committee, they should have his decided negative.

MR. MADISON.—He wished not, he said, to waste a moment of the small portion of time left, by regretting its insufficiency for a full discussion of the subject before the Committee. But he thought it due to truth, and to the honorable and independent motives of his colleague [Mr. GILES] in proposing the resolutions, to remark, that the lateness of the day to which they had been postponed did not justify the strictures which had been made on it. If the delay was not to be considered as unavoidable, some blame, at least, would fall elsewhere. The inquiries in which the whole matter originated, had been moved by his colleague, and passed the House some weeks ago. The Reports in answer to these inquiries had not been finally made and printed a single day before the present resolutions were submitted to the House. He admitted that it might have been impracticable to report the information called for, as early as was desired by the House. He was sensible of the anxiety that would be naturally felt by the Officer called upon, to present every consideration that might place his conduct in the most favorable point of view; yet, with all these allowances, it was impossible to deny that the Reports contained things which did not belong to them, and therefore consumed time which belonged to the period for discussion. He would mention one instance on which there could not possibly be a difference of opinion, viz: the vindication, formally undertaken by the Secretary, of the policy of borrowing money abroad. Whether this policy was right or wrong, the Legislature had themselves decided in favor of it; and it was the duty of the Secretary, in complying with the orders of the House, to inform the House how the law had been executed—not why it had been made; to explain his own conduct, not to justify that of the Legislature.

It had been asked why the call for information had not been sooner made? The answer was obvious and simple. It was not sooner perceived by the House, that there was such a necessity for it. The want of information was first suggested by the bill for paying \$2,000,000 to the Bank, although \$200,000 only were immediately due, and for authorizing another foreign loan to the amount of \$2,000,000. From the dawn of light thrown by some circumstances incident to the occasion, on the darkness in which the House had remained, proceeded those doubts and inquiries which had led to the information now possessed. His colleague had great merit in having brought about

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this development. He had rendered a service highly valuable to the Legislature, and no less important and acceptable to the public. One good effect of the information had been, that it prevented the passage of the bill for borrowing \$2,000,000 as an anticipated payment to the Bank. The bill had dropped from the hand of its patron with the first light that broke in upon the House. What other measures would have been prevented or varied, if a like knowledge of our funds and finances had been sooner obtained, was matter of serious consideration.

Another consequence of the Reports, taken together, was, that the face of them presented to his colleague an evidence of the charges contained in the resolutions. Whether, at so late a day, it was best to leave the subject as exhibited by the various documents in print, for the examination and opinion of the public, or to press it on the consideration of the House, was a point which every member had a right to decide for himself. His colleague had viewed the positions stated in his motion as too important to be suspended, and as supported by such clear and authentic proofs, that a small portion of time would suffice for the subject. Under this impression, what was his right became his duty; and he had discharged it by offering his resolutions to the House.

As the House had refused to commit the two introductory resolutions, which established the rule of judgment to be applied to the case, and the last also, which declared the inference to be drawn, the task of the Committee was limited to a simple inquiry into the facts stated. They were to make out and report a special verdict of these, and leave it to the House to pronounce the proper judgment arising from them.

The resolution immediately before the Committee imported, "that the Secretary of the Treasury had violated the law passed on the 4th of August, 1790, making appropriations of certain moneys," first, "by applying a certain portion of the principal borrowed to the payment of interest on that principal;" secondly, "by drawing part of the same moneys into the United States, without the instruction of the PRESIDENT."

The questions here are questions of fact; and whatever quality may be attached by different gentlemen to the several facts, it would seem as if the facts themselves are too clearly supported by the Reports of the Secretary, and the documents attending them, to be denied or controverted.

The law of August 4, 1790, authorized the PRESIDENT to cause to be borrowed \$12,000,000, to be applied to the Foreign Debt of the United States. A subsequent law of August 12, 1790, authorized another loan of \$2,000,000, to be applied to the Domestic Debt of the United States. A power to make these loans was delegated, on the 28th of August, 1790, to the Secretary, by a general commission, in the usual form, referring to the several acts above mentioned, but without any further discrimination of the loans to be made. As the law, however, for applying loans to the foreign object was prior in date, the presumption would rather be, that it was to have a priority of execu-

tion; that the first money borrowed was to belong to the first object provided for. It was unnecessary, however, to dwell on this consideration, because the PRESIDENT had removed all uncertainty by the precise explanations and instructions which accompanied the power to the Secretary, and which ought, in truth, to be deemed a part of the commission. The instruction having been more than once read to the Committee, he would content himself with referring to it.

The part referred to is in the following words:

"I do hereby make known to you that, in the execution of the said trust, you are to observe and follow the orders and directions following, viz: Except where otherwise especially directed by me, you shall employ in the negotiation of any loan or loans which may be made in any foreign country, William Short, Esq.; you shall borrow, or cause to be borrowed, on the best terms which shall be found practicable, and within the limitations prescribed by law as to time of repayment and rate of interest, such sum or sums as shall be sufficient to discharge, as well all instalments or parts of the principal of the Foreign Debt, which are now due, or shall become payable to the end of the year 1791, as all interest and arrears of interest which now are, or shall become due, in respect to the said Debt, to the same end of the year 1791. And you shall apply, or cause to be applied, the moneys which shall be so borrowed, with all convenient despatch, to the payment of the said instalments, and parts of the principal and interest, and arrears of interest of the said Debt. You shall not extend the amount of the loan which you shall make, or cause to be made, beyond the sum which shall be necessary for completing such payment, unless it can be done upon terms more advantageous to the United States, than those upon which the residue of the said Debt shall stand or be. But if the said residue, or any part of the same, can be paid off by new loans, upon terms of advantage to the United States, you shall cause such further loans as may be requisite to be made, and the proceeds thereof to be applied accordingly. And for carrying into effect the objects and purposes aforesaid, I do hereby further empower you to make, or cause to be made, with whomsoever it may concern, such contract or contracts, being of a nature relative thereto, as shall be found needful and conducive to the interest of the United States."

By this formal act, issued along with the commission to the Secretary, the PRESIDENT designated the object to which the loans to be made were to be applied; and by declaring the object to be that provided for by the act of August 4, 1790, he expressly placed the loan under the authority and provision of that act; so that the moment the money should be borrowed, it was to stand legally appropriated to its specified object—as much as if another law authorizing another loan for another purpose, had not existed.

This arrangement of the PRESIDENT was the more proper, not only because provision for the payment of the Foreign Debt had been the primary object of the Legislature, and the payment of the French debt, the anxious wish of their constituents, but because payments to France were no longer matter of option, but of strict and positive obligation on the United States. In proof of this, he stated that the debt to France, calculated

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to the end of 1791, and computing the livre at 5 4-10 to a dollar, amounted to \$4,814,814, whilst the payments actually made, computing the florin at 2½ to a dollar, amounted to more than \$3,372,717, leaving, as a balance, at the end of 1791, \$1,442,097. Adding to this balance the instalments due for 1792, amounting to \$638,888, there were to be paid within that year \$2,080,985. The entire payments, however, composed of \$656,500 in Europe, and \$726,000 put to the account of St. Domingo, (although \$444,263 83 were actually paid,) amounted to \$1,382,500, leaving due at the end of 1792, a balance of \$698,485.

Here Mr. M. adverted to and read a paragraph in the Report of the Secretary, page 16, where in allusion to the measure of drawing bills in the latter part of 1792, he says: "I feel myself the more at liberty to do it, because it did not interfere with a complete fulfilment of the public engagements in regard to the Foreign Debt. It could be done consistently with a full reimbursement of all arrears and instalments which had accrued on account of that Debt."

Mr. M. observed, that, as he could not reconcile this paragraph with the calculations which he had stated, and which were drawn from official documents, he must regard it as an unquestionable error, produced by some hasty view of the subject.

Returning to the Commission, Mr. M. repeated that all the money which that instrument, defined and qualified by the instruction annexed to it, authorized the Secretary to borrow, was actually and specifically appropriated to the payment of the Foreign Debt, and under circumstances particularly urgent, in relation to a part of it.

In what manner had this trust been carried into execution? It was to be observed, with regret, that, on the very day on which the commission and instruction issued from the PRESIDENT, the Secretary commenced his arrangement for diverting part of a loan, accepted and ratified by virtue of his commission, to a purpose different from that specified and required by his instruction. That a fact of so extraordinary a complexion might be grounded on the most unexceptionable proof, Mr. M. said he should take the liberty of supporting it by the authority of the Secretary himself. Here he read from the Secretary's Letter, dated August 28, 1790, to the Dutch houses from whom the Loan had been accepted, the following passages, viz:

"I should also wish, for particular reasons, that the business may be so regulated as to give it the form of two loans—one for two millions under the first act, and the other for one million under the second. But neither about this, am I so solicitous as to be willing that it should constitute an embarrassment."

"I destine a million and a half of this sum as a payment to France, under the direction of Mr. Short, our Chargé d'Affairs at that Court, whose orders for that purpose you will please to follow."

The aspect here presented by a comparison of the several documents, was singular and remarkable. The subordinate Officer appeared in direct opposition to the Chief Magistrate. The agent was seen overruling, by his own orders, the orders

of his principal. The language of the PRESIDENT was "By virtue of the power vested in me by law, I destine the money to be borrowed to the discharge of the instalments and interest of the Foreign Debt." The language of the Secretary was: "I destine a part of the money only to that purpose, and a part to be brought to the United States for other purposes." He left every member to make his own reflections on the subject. He would only observe, in general, that it demonstrated the truth asserted in the proposition that the Secretary had violated both the law of August 4, 1790, and the instruction of the PRESIDENT relating to it.

He then proceeded to a more distinct view of the two points particularly stated in the resolution. The first was, "That a certain portion of the principal borrowed under the act of August 4, 1790, had been applied to the payment of the interest falling due on that principal." As the fact would not, he presumed, be denied, he forebore to quote that part of the documents which admitted and authenticated it. He would, however, premise to any observations on it, a cursory view of the nature of appropriations.

It was unnecessary to repeat the emphatic remarks on this subject, which had fallen from the member from Pennsylvania, [Mr. FINDLEY.] It was sufficiently understood. He concluded that appropriations of money were of a high and sacred character; that they were the great bulwark which our Constitution had carefully and jealously established against Executive usurpations. He meant only to take notice of the different plans into which appropriations might be moulded, and of the particular operation which ought to be given to them.

One of the plans was that of appropriating specified funds to specified objects, in which the supposed certainty of the funds was adjusted to the supposed importance of the objects.

The other plan formed all the branches of revenue into an aggregate fund, on which the several objects should have a priority of claim according to their superiority of importance. It was evident that in both these cases, the Legislature alone possessed the competent authority. The exclusive right of that Department of the Government to make the proper regulations, was the basis of the utility and efficacy of appropriations.

There was a third question incident to the doctrine of appropriations, viz: Whether, under specific appropriations, such as had been adopted by Congress, the Executive authority could, without special permission of the law, apply the excess of one fund to the aid of a deficient one, or borrow from one fund for the object of another. On this question, there might perhaps be a difference of opinion. He would only remark, that, admitting such a discretion to be implied in the trust of executing the laws, it would still be requisite that the due sanction of the Executive should be given, that a regular account should be kept between the different funds, and that all advances from one to the other should be replaced as soon as possible. This was equally necessary to the preservation of

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order in the public finances, and to a proper respect for the authority of the laws.

In the present case, it did not appear that the moneys taken at different times from the Loans designated by the PRESIDENT, and thereby placed under the appropriation of the act of August 4, 1790, to the Foreign Debt, had ever been replaced. It did not appear that any such replacement was regularly planned or provided for. It was particularly worthy of observation, moreover, that the only use within the United States for which any loan in Europe could be assigned, was that of the Sinking Fund; that the Trustees of this Fund had never been even informed of the drafts; that if the moneys drawn had been carried to the Sinking Fund, the limited sum of \$2,000,000 would have been exceeded; and that the statements and accounts had, in fact, been so wound up, as mentioned by the Secretary, that not a single dollar of the money laid out in purchasing the Public Debt had been charged on loans drawn into the United States, although such was the only purpose to which they were legally applicable, and such the principal reason assigned for making the drafts.

He did not go into a particular proof that the sum drawn into the United States, after subtracting the whole sum placed to a foreign account, exceeded the sum of \$2,000,000, because the fact had been conceded on the other side, particularly by the statement of the member from Connecticut, [MR. HILLHOUSE.]

Thus it appeared clearly, in confirmation of the first point, that the application of a certain portion of the principal borrowed in Europe, to payment of the interest, was not a mere transposition of moneys, to prevent the sending them backwards or forwards, nor an advance of money from an overflowing fund in favor of a deficient one; but an absolute diversion of appropriated money, and consequently a violation of the law making the appropriation.

The second point in the resolution related to the drawing of moneys into the United States without the instruction of the PRESIDENT. This point had been fully established by the documents and explanations applied to the first. They had done more: they had demonstrated that the instructions of the PRESIDENT, which dedicated the loans to be made under his commission, to a foreign object, were an express prohibition of drafts for any domestic object. It was sufficient, therefore, to refer to the instructions of the PRESIDENT, and to the contradictory steps taken by the Secretary. Two attempts had been made to elude the force of these official proofs. The first appealed to the PRESIDENT'S Speech at the opening of the session in 1790; to the Report of the Secretary, made in consequence of it, to the House; and to the supplementary act of Congress passed in conformity to the Report.

Had the circumstances involved in this transaction been attended to by those who seemed to rely on it, Mr. M. was persuaded that a reference to it would never have been made by gentlemen on that side. As they had thought fit, however, to draw arguments from that source, it was proper to

give an answer to them; and the best answer would be a naked statement of facts.

The instruction of the PRESIDENT to the Secretary was given, as has been seen, on the 28th of August, 1790. The Letter of the Secretary contravening this instruction, was dated, as has also been seen, on the same 28th day of August, 1790. The actual drawing of bills by the Secretary commenced the 15th of December, 1790. The law now pleaded in justification of the conduct of the Secretary, passed on the 3d of March, 1791.

There are other facts material to a correct and full view of the subject. The Speech of the PRESIDENT was delivered on the 8th of December, 1790. It briefly informed the two Houses that "a loan of 3,000,000 of florins, towards which some provisional measures had previously taken place, had been completed in Holland," and "that the Secretary of the Treasury had discretion to communicate such further particulars as might be requisite for more precise information." The consequent Report of the Secretary, recommending the provision in the supplementary act, was not received till the 25th of February, 1791—six days only before the constitutional dissolution of the House. In the interval between the Speech of the PRESIDENT and the Secretary's Report, he had proceeded to draw bills to the amount of 793,392 florins. His Report, notwithstanding what had been said of it, contained not a word from which it could be known that a single florin had been actually drawn over to the United States.

The other attempt to elude the evidence before the Committee, recoiled with equal force on the gentlemen who had hazarded it. In the report lately made by the Trustees of the Sinking Fund, is a statement laid before them by the Secretary, in which it is noted "that the acceptance of the loan of 3,000,000 of florins, and the application of one-third of it to the purpose of that Fund, was under the consideration of the PRESIDENT." From this fact, it had been inferred, not only that the Secretary had withheld no proper information from the Trustees, but that the result of the PRESIDENT'S deliberations on the subject had varied the purpose signified by his first instructions to the Secretary.

It happened, however, most unfortunately for the gentlemen who exulted in this argument, that they had entirely overlooked the dates of the two papers. The paper laid before the Trustees, and alleged to have explained the final purpose of the PRESIDENT, was dated on the 25th of August, 1790. The paper relied on by the other side, as the final, as well as the most formal, designation of the will of the PRESIDENT, was dated the 28th of August, 1790. The gentlemen, therefore, instead of the inference they had made, should have reversed their premises, and joined with their opponents in concluding that the PRESIDENT was led by a consideration of the subject, not to do what the Secretary, in his note to the Trustees, seemed to anticipate, but what had been evinced by the PRESIDENT'S own act of posterior date.

The second point, then, as well as the first, rests

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on the most solid proofs, taken from a collective view of authentic documents.

Much has been said on the necessity of sometimes departing from the strictness of legal appropriations, as a plea for any freedoms that may have been taken with them by the Secretary. He would not deny that there might be emergencies, in the course of human affairs, of so extraordinary and pressing a nature, as to absolve the Executive from an inflexible conformity to the injunctions of the law. It was, nevertheless, as essential to remember, as it was obvious to remark, that in all such cases, the necessity should be palpable; that the Executive sanction should flow from the supreme source; and that the first opportunity should be seized for communicating to the Legislature the measures pursued, with the reasons explaining the necessity of them. This early communication was equally enforced by prudence and by duty. It was the best evidence of the motives for assuming the extraordinary power; it was a respect manifestly due to the Legislative authority; and it was more particularly indispensable, as that alone would enable the Legislature, by a provident amendment of the law, to accommodate it to like emergencies in future.

In the proceedings falling under the present inquiry, no necessity appeared for the liberties which had been taken, the money appropriated in Europe being more wanted there than at home. It appeared that the instructions of the Supreme Executive, instead of warranting those liberties, had precluded them; nor had the proper explanations been disclosed in due time to the Legislature. To place the subject in a more distinct point of view, it was proper to advert to the precise authorities and duties of the Secretary, as his office is defined by the act establishing the Treasury Department. For this purpose, Mr. M. read the second section of that act, which is in the words following:

"That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making returns, and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, (as he may be required,) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform."

This establishment of the office evidently had no reference beyond the case of superintending the regular and ordinary collection of the revenue, and granting warrants for moneys issued from the Treasury, in pursuance of appropriations by law.

The case of loans, as an occasional and extraordinary resource, was left to be provided for by particular laws for the purpose. The authority, with respect to the loans in question, was accordingly committed to the PRESIDENT, in order to secure for so special a trust, the highest responsibility to be found in the Government. And when it was considered that the whole sum contemplated was no less than fourteen millions of dollars, and when the latitude as to the terms and contracts was combined with the vastness of the sum, it might well be questioned whether so great a power would have been delegated to any man in whom the Legislature and the people of America had less confidence than they so justly reposed in the existing Chief Magistrate, and whether an equal power will ever be committed to a successor. This distinction between the case of ordinary revenue and that of loans is not only consonant to the actual policy of our laws, but is founded in obvious and solid considerations. In the collection and disbursement of the ordinary revenues arising from taxation, the business flows in official channels, is subject in every stage to official checks, and the money, being in constant influx and efflux, nowhere accumulates in immense sums. The case of loans is, in all these respects, different. In settling the terms and arranging the negotiations, there is always an important discretion involved. When the loans are foreign, as well as great, regulations concerning the bills of exchange form another occasion where great latitude is implied in the trust; whilst the magnitude of the sums, falling under the same direction at the same moment, present a further and material variance between the two cases. The tendency of these observations is to show that, as the permanent law establishing the Treasury Department does not extend the authority of the Secretary to the case of loans, and as the law authorizing loans exacts, for special reasons, a responsibility from the PRESIDENT himself, the authority of the Secretary, in executing the loans, and the appropriation of them, must be derived from the PRESIDENT; and, consequently, where that authority fails, there can be no resort to the law establishing the Department, much less to any general discretion incident to his official character. It is evident that the PRESIDENT, although no doubt guided by the most proper considerations in employing the agency of the Secretary of the Treasury in the business of the loans, might, if he had judged fit, have substituted the agency of another; and that, whatever agency he might prefer, his own instructions would always regulate the extent and exercise of the power conferred. The want of any apparent authority from the PRESIDENT had led several gentlemen to insist on presumed authorities, superceding the instructions joined with the commission to the Secretary. But here, again, the fair inference was to be reversed. A communication of the authorities given by the PRESIDENT to the Secretary, as to the application of the foreign loans, had been expressly requested by the vote of the House. It was not to be supposed that the Secretary, if he had re-

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ceived further authorities or instructions, would have failed to produce them, or to refer to them, in the justification of his conduct. Far less could it be presumed that the PRESIDENT, if he had given any superceding authorities or instructions, would not have caused them to be communicated to the House, or that he would have suffered a partial communication to mislead the House into an error as to so important a fact. The PRESIDENT was the last man in the world to whom any measure whatever of a deceptive tendency could be credibly attributed.

Thus far (said Mr. M.) his observations had departed as little as possible from the question in its strictest sense. He should now avail himself of the opportunity afforded by the terms of the last clause, which spoke of drafts generally, to take a more particular notice of those recently made; in doing which, he considered himself safe within the Rules of the House, which were so rigorously enforced against the affirmative side of the question. The whole amount of foreign loans transferred directly or indirectly to the United States appeared from the several statements to be about \$3,000,000. The amount of the direct drafts was \$2,304,769 13. Of the drafts made since the 16th of April, 1792, and sold by the Bank, the proceeds now in the Bank, or payable into it, before the 1st of April next, amount to \$1,220,476 01. Of this sum \$510,000 have been drawn in the course of the present session of Congress. With respect to the times and the amount of these drafts, hitherto absolutely unknown to the Legislature, because the account of them had remained in the books of the Bank without ever appearing in the books of the Treasurer, Mr. M. confessed that he had found no explanations that were satisfactory to him. He had looked through all the reports and all the communications before the House, without discovering either that they had been made by the authority or with the knowledge of the PRESIDENT, or had been required for, or applied to the purchase of, the Public Debt, or had been ever communicated to the Trustees of the Sinking Fund, who had the direction of such purchases, or that they were the effect of any necessity that could justify them. And if there was no evident necessity for the proceeding, it was the more to be lamented that, whilst we were everywhere sympathizing with our allies in their arduous struggles for liberty, and echoing from every part of the Union, our congratulations and good wishes, the pecuniary succors so critically necessary to their cause, and the most substantial proof of the sincerity of our professions, should be silently withdrawn across the Atlantic from the object for which they were intended—succors, too, which were not merely a tribute of gratitude, of generosity, or of benevolent zeal for the triumph of liberty, but a debt moreover of strict and positive obligation, for value acknowledged and received. In contemplating the subject in this point of view, he felt a pain which he could not easily express, and to which, he persuaded himself, the breast of no other member could be a stranger. Laying aside, however,

all these unfavorable considerations, the important question still remained, why the Legislature had been uninformed of the moneys so unexpectedly drawn into the Bank, and to so very great an amount? If the drafts had received every requisite sanction, if they had been produced by the most justifiable causes, the existence of \$1,220,476, in a situation so different from what had been contemplated, was a fact which the Representatives of the people had a right to know, which it was important to them and their constituents that they should know, and which it was the indispensable duty of the officer charged with it to have made known. This omission was the more remarkable when considered in relation to the measure above-mentioned, of paying off at once the whole sum of \$2,000,000, payable to the Bank by instalments in ten years. A bill for this purpose had been introduced, and was on its passage; the object of it had been patronized by a report of the Secretary not long since made. In one of his last reports he expressly states, among the inducements to such extensive drafts of money from Europe, that they were made "with an eye to placing within the reach of the Legislature" the means necessary for this object. Was it not extraordinary, was it not unaccountable, that so important a measure should be recommended, and be actually introduced, and that money otherwise appropriated in Europe should be transferred to this country and deposited in the Bank, in order that it might be within the reach of being applied by the Legislature to that measure, and yet that no disclosure should be made to the Legislature of the fact that the money was so drawn and lay at the Bank, within their reach, to be so applied? If anything could heighten astonishment on this occasion it must be the reason assigned by the Secretary for any obscurity that might have hung over our finances—"that, till the last resolutions, no call had been made on the Department which rendered it proper to exhibit a general view of the public moneys and funds, or to show the amount and situation of such as were unapplied." Mr. M. would not decide that the Legislature was free from blame in not using more full and efficacious means of obtaining such information as would have removed all obscurity. But, whatever degree of blame might fall on them, it never could be admitted that their calls on the Department had furnished no proper occasion for exhibiting a full view of the public finances. He referred generally to the various resolutions, which, without the least force of construction, would have extended to every proper article of information. He reminded the Committee of the latitude of reports under certain other orders of the House, and asked whether less freedom of construction was to be allowed when information was to be given, than when power or discretion was to be exercised? But, independently of this view of the matter, Mr. M. held it to be clear and palpable that the very situation of the money afforded an occasion which rendered it proper that the House should be informed of it. If a liberty could be taken of removing money from Europe, where it stood appropriated by law,

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to this country, where there was no legal object that required it, and with an eye, as was stated, to an object to which no money was applicable, without the authority of the Legislature, how could it possibly be supposed improper to take the further liberty of communicating what was done to the Legislature? He concluded with recurring to the particular form in which the subject presented itself to the Committee, and repeating that, whatever quality might be attached to the facts charged, or however improper it might be thought by some to proceed in haste to any affirmative decision on them, it appeared irreconcilable with the evidence which had been produced, to decide, by a negative vote, against the truth of the facts.

Mr. AMES prefaced his remarks on the subject before the Committee by some observations on the nature of the charges brought forward. He was happy that they were determinate, and conceived that the defence could be crowded in a nutshell. As to the first charge in the resolution immediately before the Committee, he had seen no proof in support of it brought forward. It is founded only on assertion, and he conceived that contra-assertion was sufficient to meet it. No authority, it was said, was given to the Secretary to obtain the Loan under the blended authority of both acts. This is not one of the charges included in the resolutions before the Committee, and therefore this is not the time to answer it. However, if this were fact, nothing criminal could in consequence be imputed; and, since the purposes of both laws were carried into execution, there could be no ground for saying that either was violated. He said much on the impracticability of the line of conduct which some gentlemen appeared to think ought to have been followed by the Secretary. It was impossible to keep different funds, differently appropriated, so inviolably separate as that one might not be used for the object of the other; all was right, he conceived, provided what was taken was to be replaced. He was also of opinion that the over-flowing of one fund could be applied to make up the deficiency of another; and that all that is necessary is to give priority to the appropriation. The money paid in Europe for interest on the Loan was said to have been improperly applied, because the fund appropriated for the purpose was here. He insisted that that money was absolutely represented here by an equal sum: and he contended that, though the interest was not paid in the identical coin appropriated, yet, by allowing a very reasonable latitude of expression, it could be said that the interest was paid with the money appropriated, for the applicability of the sums there depended on the existence of the fund here. He next turned to the second charge in the resolution; and, after showing that the natural presumption was, that the Secretary either was instructed or had a discretionary power, he then vindicated his conduct in respect to the drafts of money to this country. He did honor to the motives of the gentlemen who had instituted the inquiry, and concluded an elegant speech, by a contrasted picture of our former and present

situation as a country, dwelling upon the importance of preserving harmony, and insisting on the danger of giving rise to suspicions against a highly responsible officer, and of bringing forward charges not to be supported by proof.

Mr. FINDLEY.—If my hopes respecting the Government have not been equally elevated with those of the gentleman from Massachusetts, [Mr. AMES,] neither are my apprehensions so much depressed with fears. But I hope I am equally anxious for the stability and prosperity of the Government; and though we differ in opinion on this question, yet I am firmly persuaded that the part I take is the best calculated to promote the necessary confidence in Government, and secure the virtue of its Administration. As the gentleman, in an elegant discourse, has explained no difficulties, nor adduced any proofs in support of his opinions, I will only add, that I believe the Government to be so well established, and so much beloved by the citizens, as not to be endangered by the House of Representatives' examining how the laws have been obeyed in the application of public money, and giving their opinions upon the result of that examination.

That the Secretary has not reported fully to this House, in due time, is so much within the knowledge of every member, that it is impossible to doubt of the truth of the fact, however we may differ about the propriety of the conduct. To go no further back than last session—besides the references to the Secretary to report upon the Ways and Means, and inform the House what revenues were necessary, on the 30th of February, 1791, a standing order was resolved, directing that he should report to the House, within a few days after the meeting of the next session, "an accurate statement and account of the receipts and expenditures of all the public moneys, in which shall be distinguished the expenditures which fall under each head of appropriation, and that it shall be shown the sums, if any, which remain unexpended," &c. Were not the moneys drawn upon loan, *public moneys*, and were not those loans appropriated? Undoubtedly, they were strictly so. It is a strange evasion to say, that by these expressions, only the current revenue is intended. Arguments must be scarce when this becomes necessary. It requires no refutation.

On the 19th of January last, he was called upon to "lay before the House such information with respect to the finances of the United States, as will enable the Legislature to judge whether any or what additional revenues will be necessary." In consequence of the recommendations of the PRESIDENT, and the wishes of this House, to commence the discharge of the redeemable part of the Funded Debt, a reference was made to the Secretary, requiring him to report a mode for the application of the public money for that purpose; the House being assured, by the gentleman who moved the resolution, that no new tax was intended or necessary. But the Secretary, so far from informing the House how much money he had subject to his discretion, in the Bank, in notes, &c., proposed a new and partial tax, as the foundation of

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a new system of loans. When the memorable bill to authorize another loan of \$2,000,000, was before the House, a few weeks ago, we were told by gentlemen on this floor, that there was not time for argument; that the bill must be passed in three or four days, &c.; and when we wanted information, we were told by some of the friends of the bill that it was not convenient to give information there—that we might procure information elsewhere, as they had done. I confess I did not comprehend this method of legislating; but the Secretary has since explained it, in one of his Reports, by complaining of the House, because the members did not go to his office and ask information, instead of requiring it to be publicly reported.

Even when this favorite bill for a new loan was before the House, the Secretary did not condescend to inform us that he had, without authority, provided near a million and a half of dollars for that purpose; he did not inform us how obligingly he had drawn bills upon our bankers in Holland, to have the money put in our way. Thus, in order to anticipate the payments due to the Bank, he did what he could to induce Congress to break the public faith, by repealing the existing appropriation made for securing the discharge of a debt of justice and gratitude to the French nation. From this and other instances, it appears, that however high the Secretary's regard for public credit may be, there are other considerations which have obtained a higher degree of his attention than obedience to the laws. The gentleman from Virginia [Mr. MADISON] has so clearly explained the nature of that discretion with which the Secretary is vested, and so fully proved that there was no necessity to justify a departure from the appropriations made by law, that it is not necessary for me to explain further on this head. However, I cannot help remarking, that the discretionary powers were pretty freely exercised. The drawing of bills began early indeed, and were continued to a recent period. The times of drawing fortunately corresponded with the necessities of the Bank, and the power of employing agents was pretty freely used. The same agents were frequently both the sellers and the purchasers of the bills. Perhaps this was necessary: no doubt it was convenient. Probably it was safe; but who can say it will be always so.

I have not said so much to prove the truth of the facts expressed in the resolution, for of this there can be no doubt—it is as clear as the sun, shining in day-light,—but, in order to prove the propriety of this Committee expressing its disapprobation of a conduct so unjustifiable. That information was withheld unduly, is evident, from the lateness of this discussion; that it was obtained with difficulty, is evident, from the numerous applications we were obliged to make in order to obtain it.

Mr. BOUNDNOT called the attention of the Committee to the change in the usual situation of the House. They were no longer acting in a Legislative capacity, but were now exercising the important office of the grand inquest of the Nation. It was necessary to advert to this circumstance, to prevent running into the diffuse mode of argu-

ment that had improperly been adopted on this occasion. A gentleman of this Committee had thought proper to institute an inquiry into the conduct of an officer of the Government in a very important and highly responsible station. He had exhibited his charges against him in writing—had reduced them to certain and specific facts. To these, and to these alone, he had pointed his evidence, and we were bound in honor and in conscience to give a just and decisive opinion on each independent charge. In the first place, the truth of the facts must be settled and established; if in their favor, the criminality would then necessarily require a second consideration. The honor and reputation of the officer thus charged, as well as the respect due to the gentleman who had brought forward the accusation, required a steady, uniform, and disinterested examination of every question from us. Under this view of the subject, Mr. B. said he should avoid the desultory mode of argumentation that had been run into on both sides, and confine himself to the nature of the facts charged, and the evidence adduced in support of them. The short time that yet remained of the session was too precious to waste in collateral arguments, or the consideration of merely presumptive proofs. The first charge in the resolution now before the Committee was, "That the Secretary of the Treasury has violated the law passed on the 4th of August, 1790, making appropriations of certain moneys authorized to be borrowed by the same law, in the following particulars, to wit: 1st. By applying a certain portion of the principal borrowed to the payment of interest falling due upon that principal, which was not authorized by that or any other law. 2d. By drawing part of the same moneys into the United States, without the instruction of the PRESIDENT." These specific charges make it necessary for us to understand determinately the terms of the act mentioned in the resolution, and the nature of the proof offered in its support. By the act of the 4th August, 1790, section 2—

"THE PRESIDENT OF THE UNITED STATES is authorized to cause to be borrowed a sum or sums not exceeding in the whole twelve millions of dollars; and that so much of this sum as may be necessary to the discharge of the arrears of interest on loans heretofore made by the United States in foreign countries, and the instalments of the principal of the said Foreign Debt, and (if it could be effected upon terms advantageous to the United States) to the paying off the whole of the said Foreign Debt, be appropriated solely to these purposes; and the PRESIDENT was moreover further authorized to cause to be made such other contracts respecting the said Debt as should be found for the interest of the said States."

It is asserted by the prosecutor of these charges that this act contained an emphatic appropriation of the whole of the twelve millions of dollars to the payment of the Foreign Debt. By a Letter to Mr. Short of May 9, 1791, read in the Committee, it appears that a Loan of three millions of florins had been made, and that one-half only was appropriated to the payment of our debt to France, and that eight hundred thousand florins were to

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be drawn to this country. This was said to be contrary to the terms of the appropriation, and without authority; and the Secretary's Report of January 3, 1793, folio 3, was referred to in proof of the fact "that the interest arising on the principal borrowed under this act was paid out of that principal;" when, by the same law, part of the domestic revenues of the United States were appropriated to that purpose. The words of the Report are, "payments on account of other Foreign Loans made and to be made to the 1st January, 1793, inclusive. February 1, 1791, two hundred and eighty-nine thousand seven hundred and eighty-three florins six stivers, with several other payments on the same terms, till January 1, 1793, amounting in the whole to one million eight hundred and thirty-three thousand one hundred and eighty nine florins two stivers eight deniers. These payments were asserted to be on account of interest on the principal borrowed, but without further proof. By the Report, folio 4, it appears that on the 1st of February, 1790, there was borrowed no more than one million one hundred and sixty-seven thousand florins, on which was due the 1st of February, 1791, one year's interest, amounting, at five per cent., to fifty-eight thousand three hundred and fifty florins; but this evidence proves that two hundred and eighty-nine thousand seven hundred and eighty-three florins were paid on that day. Can gentlemen be serious when they assert that this was for interest on this principal borrowed, being almost twenty-five per cent. per annum, instead of five. This certainly is an inattention to the subject that the serious nature of the charge cannot justify. Mr. B. then asserted that, on a critical examination of these items, they will be found to be instalments of the Dutch Loans made by the old Congress, and which this money was expressly appropriated to discharge; but he said he did not mean to avoid the fact, had it been proved, but he denied that any evidence of it arose from this testimony. The PRESIDENT was generally authorized to make the loans. Money arising from a domestic fund was appropriated to pay the interest. It happened that the Loan was made in Europe, to the amount of three millions of florins; part of it was to be drawn to this country, but before that event interest became due; this was paid out of the moneys intended to be drawn into this country, and repaid by the fund here, to prevent the unnecessary sending the moneys from one country to the other. Mr. B. asked, if the Secretary had done otherwise, would any man in his senses have thought him worthy of the trust committed to him? But the gentleman has proceeded on this charge (and has so expressed himself) as if this loan was exclusively made under the act of the 4th August, mentioned in the resolution before us, and therefore was wholly appropriated by law to the payment of the Foreign Debt, and ought not, in any part, to have been drawn into this country for other purposes. This brings to consideration the act of the 12th August, 1790, passed eight days after the act alluded to. By the 4th section of this act the PRESIDENT OF THE UNITED STATES

is authorized to cause to be borrowed a sum or sums not exceeding two millions of dollars, at an interest not exceeding five per cent., and that the interest should be applied to the purchase of the Debt of the United States. The difference between these acts was, by that of the 4th of August, the PRESIDENT had a discretion as to the application of the sum borrowed towards payment of the whole of the Foreign Debt, over and above the instalments, depending upon terms of advantage to the United States. By the second act there was no discretion, the whole moneys being positively directed by law to be applied towards the purchasing of the Domestic Debt. By the first there was no restriction, in point of interest, to be paid, but an injunction that the terms of repayment should be stipulated within fifteen years. By the second, interest was restricted to five per cent., and no terms of repayment enjoined. By the preamble to the first law, the object of it appears to be the doing of justice and supporting public credit, by the payment of the Foreign Debt; by that of the second, "the reduction of the Public Debt, which would be beneficial to the credit of the Union, by raising the price of their stock, and be productive of savings to the United States." By virtue of these acts the PRESIDENT thought proper to constitute the Secretary of the Treasury his agent to make the loans; and, accordingly, on the 28th of August, 1790, by a commission under his hand and seal, reciting both the said laws, authorized him, "by himself or any other person or persons generally, to borrow, within the United States or elsewhere, a sum or sums not exceeding in the whole fourteen millions of dollars, subject to the restrictions and limitations in the said several acts contained." With this commission the Secretary received instructions relative to the said loans, in these words: "You shall borrow, or cause to be borrowed, on the best terms which shall be found practicable, and within the limitations prescribed by law, as to the time of repayment and rate of interest, such sum or sums as shall be sufficient to discharge as well all instalments or parts of the principal of the Foreign Debt which now are due, or shall become payable to the end of the year 1791, as all interest and arrears of interest which now are or shall become due, in respect to the said Debt, to the same end of the year 1791. And you shall apply, or cause to be applied, the moneys which shall be so borrowed, with all convenient despatch, to the payment of the said instalments and parts of the principal and interest, and arrears of the interest of the said Debt. You shall not extend the amount of the said Loan beyond the sum which shall be necessary for completing such payment, unless upon terms more advantageous to the United States," &c.

These instructions related solely to the application of the twelve millions, the two millions, as before observed, being applied by law, without any discretionary power, to the reduction of the Public Debt. Under this commission, it is in proof the Secretary caused three millions of florins to be borrowed in Europe generally, without ex-

pressing particularly under which law, but reciting under them both. He directed half of this sum to be applied to the payment of the Foreign Debt, and part of the other half he appropriated, for the purposes mentioned, towards the reduction of the Public Debt. But it is insisted that the whole of this money was borrowed under the act of the 4th August, and therefore it was highly criminal to apply any part of it to the discharge of the interest arising on the principal so borrowed, there being another fund designed for that purpose. But it has clearly appeared that the Secretary made this Loan in Europe, where the interest was to be paid and had become due; the fund for its payment was in this country; and therefore, if he was authorized to draw any part of that principal into the United States, it was a mere economical operation, to pay the interest there out of those moneys on the spot, and repay them out of moneys here, where they were to be applied, and by that means prevent the loss of insurance and interest, that must have arisen by another negotiation. This question, then, depends wholly on the fact whether this money was borrowed by virtue of both acts, or under that of the 12th of August exclusively.

The Loan was made at five per cent., subject to charges and douceurs of four and a half per cent. on the whole. The Secretary thought this within the act of the twelfth of August, limiting him to an interest not exceeding five per cent. This was the opinion of others besides the Secretary. Mr. B. himself had been of that opinion, and at the time thought an application to the Legislature unnecessary. But the prudence and caution of the Secretary led him to state this fact to Congress for their consideration and determination, who, by an act of the 3d March, 1791, declared their sense of the act of the 12th of August, and that the Loan was legally made under that act. The preamble to this act removes all doubt on this question:

"Whereas it hath been made known to Congress that the PRESIDENT OF THE UNITED STATES, in consequence of an act making provision for the reduction of the Public Debt, (that is, that of the twelfth of August,) hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per cent." &c. "And whereas it hath been also stated to Congress that the charges upon said loan have amounted to four and a half per cent., whereby a doubt hath arisen, whether the said loan be within the meaning of the said last-mentioned act, which limits the rate of interest to five per cent. per annum. And whereas it is expedient that the said doubt should be removed, be it enacted," &c., "that the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act making provision for the reduction of the public debt," &c.

This puts an end to any dispute on this subject; and if this money was borrowed under both acts jointly, or exclusively under the act of the twelfth August, there can be no propriety or justice in the charge, that the Secretary had violated the act of the fourth of August in applying

part of this money to the purposes of the act of the twelfth of August, under which the Loan, as to a greater sum, was certainly made. By this act also the opinion of the Secretary of the meaning of the act of the twelfth of August as to the restriction of the interest to five per cent. was confirmed, and of course all his proceedings under it. There can then be no foundation for the charge, and it remains unsupported by proof.

The next part of the accusation attempted to be supported, was the drawing part of the same "moneys of the United States without instructions from the PRESIDENT." The instructions from the PRESIDENT as to the making the loans and applying them were only called for, he has therefore only reported these to the House; from this negative testimony, it was presumed that no other instructions have been given. This is weak support, indeed, to a criminal charge of this nature. I know it has been urged by one gentleman [Mr. MERCER] that the Secretary has been called upon for the instructions, and if he has failed to report them to the House, he ought to suffer: this shows how fallible gentlemen's memories are. There has been no call whatever of the House on the Secretary for this purpose—our Journals do not show any. The requisition was to the PRESIDENT, and he has complied with the terms of it. But if we are to rest on presumptive evidence, the presumption is in favor of the Secretary. The PRESIDENT has not made objections to the conduct of his agent. He has mentioned the loans to Congress, without disapprobation. The agent was properly accountable to him, and he has not found fault with him; but in his Speech at the opening of this and the last session of Congress, has expressed great satisfaction in the state of public affairs. But if the gentlemen who advocate this prosecution really believed this fact, had they it not in their power to have rendered the evidence certain to demonstration, by requesting, by resolutions of the House, that the PRESIDENT would declare whether this money was or was not drawn in consequence of his instructions, or with his approbation and consent? Can any man suppose that so responsible an agent as the Secretary of the Treasury would presume (for his own sake) to proceed in so important negotiation, without the knowledge, approbation, and directions of the PRESIDENT OF THE UNITED STATES? But, for argument sake, suppose the fact to be true, is not the Secretary an officer to superintend the collection of the public revenue? As soon as this Loan was made under the act of the twelfth August, was it not his duty, without further instructions, to draw the money into the United States for the purposes mentioned in the act? Would he not have been highly culpable if he had left this money in Holland till the next session of Congress, and waited for a law authorizing him so to do? It is really a reflection on the whole Legislature to suppose they would have directed a Loan which should remain inactive on an interest of five per cent. without giving a power of application.

But it has been said that a larger sum, viz., al-

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most three millions of dollars, has been drawn into this country, which was more than the PRESIDENT himself was authorized to do. If this is meant to criminate the PRESIDENT, we ought to know it. How does the fact stand? It is agreed that the PRESIDENT had a right to draw the moneys loaned under the act of the twelfth of August

He had a right to make such other contracts respecting the Debt as should be for the interest of the United States, in consequence whereof the agent in Europe agreed with the National Assembly or the Executive of France, for the payment of four millions of livres, part of their debt, in the produce of the United States, for the supply of St. Domingo

The interest to foreign officers amounted to about

\$2,000,000 00
800,000 00
191,316 90
2,991,316 90

This, then, makes about the sum that it is proved was drawn for by the Secretary, and shows that he did not exceed the powers vested in the PRESIDENT for this purpose.

It has been also held up as highly criminal in the Secretary, that although he began to draw for this money in December, 1790, yet he never gave information to Congress or to the Trustees for purchasing the Public Debt on the subject; but left them wholly in the dark with respect to so important a measure, when it was his duty particularly to have kept the House constantly informed, and that this could only have happened for the purpose of covering some improper design, or aiding individuals with the public moneys of the United States.

To this charge Mr. B. said, he had paid serious attention, for as on the one hand he would ever be ready to bring every defaulter in public office, however exalted in character, to condign punishment, where found guilty: on the other hand, he wished ever to be found giving full support to every good officer of Government against unfounded charges of speculation and mismanagement of the public revenue. He had satisfied his mind on the subject, not being able to find a scintilla of evidence to support the charge, but abundant testimony to the contrary.

1. Congress knew that this money was appropriated to the payment of the debts in this country, that the Loan was made in Holland, and therefore that it must necessarily be drawn here for the purposes of the act.

2. By the Report of the Trustees of the Sinking Fund, folio 12, under the date of the 25th of August, 1790, is the following entry:

"It is probable that it will be deemed advisable to pay the interest for the year 1791 on the amount of the foreign debt out of foreign loans. There is one now matured for the acceptance of the United States, amounting to three millions of florins, the proceeds of which may be at command in the course of the present year.

The expediency of an acceptance of the loan, and of an application of one third of it, to the purpose of the act, for the reduction of the Public Debt, is under the consideration of the PRESIDENT or THE UNITED STATES."—Alexander Hamilton, Secretary of the Treasury."

This entry affords strong presumption against all the suggestions of the want of instructions from the PRESIDENT, or his ignorance of the proceedings of the Secretary.

3. The Speech of the PRESIDENT delivered to both Houses of Congress, on the 8th of December, 1790, has the following paragraph:

"In conforming to the powers vested in me by the acts of the last session, a Loan of three millions of florins, towards which some provisional measures had previously taken place, has been completed in Holland. The Secretary of the Treasury has my directions to communicate such further particulars as may be requisite for more precise information."

4. The Report of the Secretary in conformity to that direction, dated 24th February, 1791, mentioning terms of the loans and application of moneys.

5. The preamble of the act of 3d March, 1791, already read.

6. In the Report of the Secretary of the Treasury of the receipts and expenditures from the commencement of the Government to the 31st of December, 1791, is the following article of receipts:

"FOREIGN LOANS.

"From the President, Directors, & Co., of the Bank of North America, being the produce of bills of exchange, drawn on the agents for negotiating Foreign loans in Holland - - - - - \$239,369 47

"From the President, Directors, & Co., of the Bank of New York, being the produce of bills of exchange, drawn on the agents aforesaid - - - - - 132,121 87

\$361,891 34

7. In the Treasurer's account, commencing January 1, 1792, and ending on the 31st March, 1792, are found the following entries of receipts:

"On the proceeds of bills of exchange, drawn on Wilhelm & Jan Willink, Nicholas and Jacob Van Stephorst & Hubbard, of Amsterdam, on account of loans made for the United States, per statement, \$402,908 89."

In his account commencing on the 1st of April, 1792, and ending on the 30th of June, 1792:

"On the proceeds of bills of exchange, &c., in same words, \$1,400,000."

In his account commencing on the 1st of July, 1792, and ending on the 30th of September, 1792:

"On the proceeds of bills of exchange, &c., in same words, \$1,000,000."

Mr. B., after reading these vouchers, proceeded: These, Mr. Chairman, are the facts that have convinced my mind, at first much alarmed at the severity of the charges and the positive assertions of gentlemen, that discoveries would be made, showing corruption at the very heart of the Go-

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vernment; these have convinced me fully that this prosecution has been rashly brought forward, without a proper examination of the transaction. My mind, in a conscientious research into the facts, has not been able to raise a doubt, on which to found even a suspicion of the integrity or abilities of the Secretary in this whole negotiation. So far am I from considering those charges supported by testimony, that I consider the conduct of the officer concerned in this transaction, not only wholly cleared up, but the measures he has pursued as stamped with wisdom and official knowledge. So far am I from judging him reprehensible for the manner in which he has negotiated and applied these loans, that I think him deserving of the thankful approbation of his country for his economy and strict attention to the true interests and credit of the United States. I rejoice, sir, that after so full and zealous an investigation, this officer, though unheard, appears to be free from even a suspicion of malconduct in the whole transaction; this is not only honorable to him, but does credit to our country. On the whole, therefore, I am decidedly against the present resolutions, and shall give them my hearty negative.

The House then adjourned until seven o'clock post meridian.

EVENING SESSION—7 P. M.

An engrossed bill making certain appropriations therein mentioned was read the third time, and passed.

The bill sent from the Senate entitled "An act providing for the compensation of Ebenezer Storer," was read twice, and committed.

OFFICIAL CONDUCT OF THE SECRETARY OF THE TREASURY.

The House again resolved itself into a Committee of the Whole House on the third, fourth, fifth, sixth, seventh, and eighth resolutions contained in the motion of Thursday last, respecting the official conduct of the Secretary of the Treasury. The third resolution being still under consideration, in the words following, viz:

Resolved, That the Secretary of the Treasury has violated the law passed the 4th of August, 1790, making appropriations of certain moneys authorized to be borrowed by the said law, in the following particulars, viz: First, by applying a certain portion of the principal borrowed, to the payment of interest falling due upon that principal, which was not authorized by that or any other law. Secondly, by drawing a part of the said moneys into the United States, without the instructions of the President of the United States.

A motion was made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the resolution, it was resolved in the affirmative—yeas 40, nays 12, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Philip Key, Aaron Kitchell,

John Laurance, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, Hugh Williamson, and Francis Willis.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Andrew Gregg, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Alexander D. Orr, John Page, and Josiah Parker.

A motion was then made, and the question put, that the House do agree with the Committee of the Whole House in their disagreement to the fourth resolution, in the words following:

Resolved, That the Secretary of the Treasury has deviated from the instructions given him by the PRESIDENT OF THE UNITED STATES, in executing the authorities for making loans, under the acts of the fourth and twelfth of August, one thousand seven hundred and ninety."

It was resolved in the affirmative—yeas 39, nays 12, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Andrew Gregg, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Alexander D. Orr, John Page, and Josiah Parker.

Another motion was then made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the fifth resolution, in the words following:

Resolved, That the Secretary of the Treasury has omitted to discharge an essential duty of his office, in failing to give Congress official information, in due time, of the moneys drawn by him from Europe into the United States; which drawing commenced December, one thousand seven hundred and ninety, and continued until January, one thousand seven hundred and ninety-three; and of the cause of making such drafts:"

Mr. DAYTON said, that, at so late an hour of the night, he was unwilling to detain the Committee unnecessarily. He trusted, however, that they would grant him their indulgence and attention for a few moments before the vote was taken. The resolution upon which the sense of the Committee was about to be expressed contained a direct charge against the Secretary of the Treasury for having "failed to give Congress official infor-

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mation in due time of the moneys drawn by him from Europe into the United States, and of the cause of such drafts." He rose principally to remark, that the arguments which had been used by the advocates of these resolutions, in support of the first which had been discussed, and particularly by the member from Virginia, [Mr. MADISON,] were of such a nature as must, if applied to the one now under debate, compel that gentleman to abandon this charge, and give it his negative, if he would preserve any sort of consistency between his arguments and his vote.

It had been asserted by him, and seemed to be relied upon as an important fact, that the Secretary's agency in respect to foreign loans did not necessarily result from the duties of his office, or the constitution of the Treasury Department, which on that head was silent, but that it was founded upon a special commission and instructions given to that officer by the PRESIDENT, in whom the laws had vested an authority. Under that view, then, it was deemed convenient and proper to regard the PRESIDENT as the principal, and the Secretary as his agent, in order that there might appear to be some foundation for the charge against the latter for having acted in any instance without the express instructions of the former. If this was truly the relationship in which the Secretary stood to the PRESIDENT—if the PRESIDENT's commission was his authority, and the PRESIDENT's instructions his law and guide—if the case of loans was, in respect to the Treasury Department, an extraordinary and extra-official one, not necessarily falling under the head of it, but distinct from the ordinary revenues which bounded his legal authority, as had been declared by a member from Virginia and another from Pennsylvania, Mr. D. called upon those two gentlemen to explain with what propriety the Secretary of the Treasury could be censured for not comprising in his annual official statement of receipts and expenditures of public moneys in his Department a report of his agency in a business unconnected therewith, which he transacted, not in quality of financier, but of agent, and for which he was directly responsible to the PRESIDENT, who was his principal, and who could, and doubtless would, have dismissed him from office, if he had acted unfaithfully. There appeared to his mind (Mr. D. said) such inconsistency and contradiction between the reasoning he had quoted and the resolution on the table, as induced him to believe that all who gave their assent to those arguments, but especially those who had expressed and supported them, would join with him in voting against this proposition.

But there were other reasons (Mr. D. added) which seemed to his judgment to lead irresistibly to the same conclusion. The House of Representatives had already expressed their sense upon this subject. Their resolutions, passed on the 23d of January, without any opposition, evidently recognised certain principles which directly militated against those contained in this resolution. The PRESIDENT OF THE UNITED STATES was there requested to communicate the informa-

tion wanted. It is well known to every member that this mode was never adopted in any call for information respecting our fiscal concerns, or other matters relating to the ordinary business of the Department, but that it was always observed when the information wanted was of such a nature as to render it improper for either of the subordinate Executive officers to give it without the order of their head, the PRESIDENT. Shall the Secretary of the Treasury, then, be censured for not reporting to Congress transactions unasked for, which it is admitted he was not at liberty to report, even upon the order of the House, without the sanction and express direction of the PRESIDENT? Shall he be censured for not giving information of the moneys drawn by him from Europe, and of the causes of making such drafts, when the very laws which authorized the loan of fourteen millions, point out the causes, declare the purposes, and designate the appropriation? The act of the 12th of August directed the application of two millions to the purchase of the Public Debt. Was not this country the only proper place for that operation? And would any one say that those purchases could be made advantageously for the United States unless the money was drawn here? Was there not a discretionary power given to the Executive over the other twelve millions destined to the payment of our debt to France, in virtue of which, such portion of it might be drawn here as might be deemed consistent with the public good? Had not events fully justified Congress in having granted that discretionary power, and the Executive in the use they had made of it? Through the instrumentality of those drafts, we had been enabled to purchase nearly two millions of our own debt, and to pay in this country (principally in our own produce) about half a million of the French debt, by which the Colony of St. Domingo had been relieved from its sufferings, and the Government and people of France highly gratified and benefited. Far from meriting censure for arrangements so provident and beneficial, the man who had effected them was (Mr. D. asserted) entitled to the commendation and thanks of his countrymen. That the Secretary had discharged both his ordinary and extraordinary duties with ability and integrity, had been directly denied by none; that he had misconstrued the act of the 4th of August, and departed from its true spirit, had been urged and supported by very few; but that the arrangements which he made had proved beneficial to France, and highly favorable to the interests of the United States, seemed to have been admitted by all, even by the very gentlemen who had questioned the legality of them.

Mr. D. concluded with saying that he was happy to find he should be with a very large majority of the House in the vote that the Secretary was not chargeable with the omission and failure which the resolution aimed to fix upon him.

It was resolved in the affirmative—yeas 33, nays 15, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, El-

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bridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, William Hindman, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

YAS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Samuel Griffin, William Barry Grove, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, John Page, Josiah Parker, and Israel Smith.

Another motion was then made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the sixth resolution, in the words following:

Resolved, That the Secretary of the Treasury has, without the instruction of the PRESIDENT OF THE UNITED STATES, drawn more moneys, borrowed in Holland, into the United States, than the PRESIDENT OF THE UNITED STATES was authorized to draw, under the act of the twelfth of August, one thousand seven hundred and ninety, which act appropriated two millions of dollars only, when borrowed, to the purchase of the Public Debt; and that he has emitted to discharge an essential duty of his office, in failing to give official information to the Commissioners for purchasing the Public Debt, of the various sums drawn from time to time, suggested by him to have been intended for the purchase of the Public Debt:—

It was resolved in the affirmative—yeas 33, nays 8, as follows:

YAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Nathaniel Macon, James Madison, John Francis Mercer, and Josiah Parker.

Another motion was then made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the seventh resolution, in the words following:

Resolved, That the Secretary of the Treasury did not consult the public interest, in negotiating a Loan with the Bank of the United States, and drawing therefrom four hundred thousand dollars, at five per centum per annum, when a greater sum of public money was deposited in various banks, at the respective periods of making the respective drafts:—

It was resolved in the affirmative—yeas 33, nays 8, as follows:

YAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Nathaniel Macon, James Madison, John Francis Mercer, and Josiah Parker.

Another motion was then made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the eighth resolution, in the words following:

Resolved, That the Secretary of the Treasury has been guilty of an indecorum to this House, in undertaking to judge of its motives in calling for information, which was demandable of him, from the constitution of his office, and in failing to give all the necessary information within his knowledge relatively to the subjects of reference made to him, of the nineteenth of January, one thousand seven hundred and ninety-two, and of the twenty-second of November, one thousand seven hundred and ninety-two, during the present session:—

Mr. WILLIAM SMITH said, that, after the vote which had just prevailed by so considerable a majority on the preceding resolutions, the Committee could not, with any propriety, criminate the Secretary of the Treasury for failing to give the information alluded to, because by that vote it had been established that the Secretary had only acted under the authority of the PRESIDENT, and conformably to his instructions. If there had been any omission to communicate information to Congress, that omission was surely not chargeable to the Secretary. But it had been already clearly shown, by documents in the possession of the House, that the necessary information had been communicated. The Treasurer's accounts, which had been from time to time laid before the House, exhibited the amount of moneys proceeding from the sale of bills, and the Secretary's Report of February, 1791, conveyed full information of the drawing. It was true, there was a sum of about \$600,000, the proceeds of bills which, as had been remarked by a gentleman, [Mr. MADISON,] did not appear in the Treasurer's account, but this was owing to the sales of the bills by the Bank not having been closed at the time the last quarterly account was rendered, and consequently that sum could not appear in the Treasurer's account.

[Mr. MADISON said, he had not meant to blame the Treasurer.]

Mr. SMITH proceeded. The gentleman, however, had attributed misconduct to the Secretary, for withholding information of the amount of moneys in the Treasury accruing from Foreign loans, when directed by the House, January 19th, 1792, to report whether the existing revenues were adequate to face the additional expense of the

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Indian war. Mr. S. could not forbear expressing great surprise at this remark of the gentleman from Virginia, [Mr. MADISON,] when he recollected what had been just before said by the same gentleman in support of the former resolution. The gentleman, on that occasion, in his attempt to disprove the right of the Secretary, *ex officio*, to superintend the moneys derived from the Foreign loans, had endeavored to establish a nice distinction between the ordinary internal revenues of the country, and the resources resulting from Foreign loans. The law constituting the Treasury Department, he had said, gave the Secretary power only over the revenues, which embraced only the ordinary resources, whereas loans were distinct things, the management of which was specially intrusted by law to the Supreme Magistrate, and in relation to which the Secretary could exercise no authority whatever that was not derived from the President. The gentleman now argued that the Secretary was blameable in not giving information of the state of these extraordinary resources, which were not within his Department, when only called upon to state the amount of the ordinary revenues, which were within his Department. He left it to the gentleman to reconcile this contradiction, for certainly his doctrine was erroneous on the former occasion, or it must be so now. If the moneys obtained from Foreign loans were to be deemed the revenues of the country, then they fell of course under the management of the Head of the Treasury Department, and it was wrong in the gentleman to impute misconduct to the Secretary for exercising a legal authority; if, on the contrary, those moneys were viewed as an extra resource, and not within the purview of the Secretary's functions, then it was wrong to censure him for not communicating a state of those moneys, when required only to report the ordinary revenues.

Without admitting the soundness of the distinction set up by the gentleman from Virginia, Mr. S. said that it was never in the intention of the House, nor in the idea of any individual member, to call for a state of the moneys proceeding from the Foreign loans, when they passed the order of the 19th January, 1792. That order was in these terms:

Ordered, That the Secretary of the Treasury be directed to lay before this House such information with respect to the finances of the United States, as will enable the Legislature to judge whether any additional revenue will be necessary in consequence of the proposed increase of the military establishment."

This call was fully complied with, for the Secretary laid before the House an estimate of the internal revenues—which, unquestionably, were the only revenues in contemplation of the House at the time—and the House being satisfied that they were incompetent, laid additional duties. The House knew, as well as the Secretary, that loans had been made, and that moneys had, under them, been drawn into this country; but they knew that those moneys had been specially appropriated to the Sinking Fund, and it never entered into the idea of any member to divert them from that bene-

ficial object, in order to apply them to the current service. It was not to be supposed that the Secretary would have recommended such a diversion. To impute blame to him for not communicating the amount of moneys drawn from time to time, there must have been some law or order of the House requiring the communication, or it must have been necessary to some object depending before the House. What law or order of the House made it necessary? None. The laws authorized the loans, and prescribed their objects; the rest was mere Executive business; and no communication was necessary to any measure depending before the House.

But though the Secretary would not have been censurable for omitting to give the information, the truth was, that the President's Speech of 8th December, 1790, the Secretary's Report of 25th February, and the act of the 3d of March, 1791, were conclusive proofs that the Legislature knew that the proceeds of the loans were in a train of being brought to the United States, and the accounts of receipts and expenditures presented in the first week of the session, informed the House that a large sum had been drawn for, and the Treasurer's quarterly account contained further information on the subject, all which was prior to any call of the House for such information. Hence, Mr. S. deduced, that it was not a fact that the Secretary had failed to give the information, as stated in the resolution, and that had he even so failed, he would not have been censurable for a breach of an essential duty of his office. It had been said, by a member from Pennsylvania, [Mr. FENDLEY,] that the lateness of the information from the Secretary made it inconvenient to go into an inquiry of his official conduct so near the close of the session. To this, Mr. S. replied, that he did not expect such a remark from that quarter of the House. If the gentleman had not been prepared for the inquiry, or thought it an improper season to enter upon it, why did he second the motion for bringing forward the charges? If suspicion had so long existed against the integrity of the Secretary, why was not reformation called for at the beginning of the session? Why was the call delayed till the session was within a few weeks of its termination? It was admitted that the Secretary had obeyed the order of the House with wonderful alacrity and promptitude. It was indeed strange that the gentleman who brought forward the charges, should be the first to complain that there was not time for their consideration.

Mr. S. concluded by noticing the observation of Mr. MERCER and Mr. MADISON, that the opinion of the House on the preceding resolutions would not change the truth of facts, and that the public would ultimately decide whether the Secretary's conduct was criminal or not. This, said Mr. S., was like the conduct of a prosecutor, who having chosen his jurisdiction, and being nonsuited, wished to appeal to another tribunal. Why were the resolutions brought before the House? Was it not to substantiate the truth of them by a vote? And had the prosecution succeeded, would the

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Secretary have had an appeal to the public? No; the resolutions would have been sent to the PRESIDENT, and the Secretary would have been removed, disgraced, and ruined forever, without appeal.

Mr. FINDLEY said: Since these resolutions were laid on the table, I have, upon reflection, been convinced of the impropriety of connecting it with the others, or of treating this part of the Secretary's conduct in this manner. It is solely in the power of this House to punish all contemptuous or indecent treatment of its authority or orders; for this purpose, it is not necessary to lay our opinions in this way before the public, report them to the PRESIDENT, or make them a foundation of impeachment. We might have ordered him to the bar of this House, and obliged him to make proper acknowledgments. I have known some high in office treated in this manner for infinitely less impropriety. It is true, in the case to which I allude, I thought the affair was carried too far; the offence was only a letter to the House respecting the conduct of a member, whom the officer charged with making free with his character in an insidious manner among the members. I would be sorry to see this House pursue such trifles. Though the indecorum of the Secretary to this House is of a higher nature, I think it is best to treat it with silent contempt; I will vote against this resolution, lest it should be interpreted as a relinquishment of our authority to punish contempts.

The question was then taken, and it was resolved in the affirmative—yeas 34, nays 7, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, William Hindman, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Nathaniel Niles, Josiah Parker, Theodore Sedgwick, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, William B. Giles, William Barry Grove, Richard Bland Lee, Nathaniel Macon, and James Madison.

SATURDAY, MARCH 2.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of Lewis Garanger, on behalf of his brother, Charles Garanger; which were read, and ordered to lie on the table.

PUBLIC PRINTING.

Mr. FITZSIMONS, from the committee to whom was referred the Letter from the Secretary of the Treasury, stating certain inaccuracies in printing the statements communicated by his first and second Letters lately presented, on the subject of Foreign loans, and expressing a wish that some regulation may be adopted to enable the Head of the Treasury Department to secure the fidelity

and correctness of the printed copies of the reports which shall hereafter be made to the House, and shall be committed to the press by their order, made a report; which was twice read, and agreed to by the House, as follows:

"That the committee have examined into the circumstances stated in the Letter, and find

"That the standing order of the Clerk of this House to the printer, is, to send the proof sheets of all reports and statements to the Department from whence they were made, and that this practice has been generally followed.

"That it has been discontinued during the present session (so far as respects the Secretary of the Treasury) from an opinion of the printer, that the delay which the examination would occasion, might interfere with the intention of the House, of having the business speedily accomplished.

"It did not appear to the committee, that any unnecessary delay had taken place at the office of the Comptroller, by reason of the examination of the proof sheets, nor in the printer, in the execution of his business.

"The committee are of opinion, that it is not necessary for them to recommend any new regulation for the future execution of this business; but, in order to rectify the errors which have taken place in the printed reports and statements, the committee recommend the following resolution:

"Resolved, That there be printed under the direction of the Secretary of the Treasury, three hundred copies of the reports and statements made by him during the present session, and that the same be delivered to the Clerk of this House."

Resolved, That the Clerk of the House of Representatives shall be deemed to continue in office until a successor be appointed.

Resolved, That the Doorkeeper and assistant Doorkeeper of the House of Representatives shall be deemed to continue in office until successors to those officers, respectively, be appointed.

Resolved, That the Clerk of this House be authorized to pay to Thomas Claxton, out of the money appropriated to defray the contingent expenses of this House, the sum of eighty dollars, for extra services.

The House resolved itself into a Committee of the Whole House on the bill making addition to the compensation of the Auditor of the Treasury, and the Commissioner of the Revenue; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And on the question, that the said bill, with the amendments, be engrossed, and read the third time, it was resolved in the affirmative—yeas 24, nays 17, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Thomas Hartley, Philip Key, John Laurance, Richard Bland Lee, Frederick Augustus Muhlenberg, William Vans Murray, Josiah Parker, Theodore Sedgwick, William Smith, John Steele, George Thatcher, Thomas Tudor Tucker, and Francis Willis.

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NAYS.—Abraham Clark, William B. Giles, James Gordon, Christopher Greenup, William Barry Grove, James Hillhouse, Aaron Kitchell, Samuel Livermore, Nathaniel Macon, Nathaniel Niles, Alexander D. Orr, Peter Sylvester, Jeremiah Smith, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, and Artemas Ward.

Mr. LIVERMORE, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses, to the bill, entitled "An act fixing the time for the next annual meeting of Congress," made a report; which was read, and ordered to lie on the table.

A message from the Senate, informed the House that the Senate have passed the bill, entitled "An act for the relief of Simeon Thayer," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and, the same being read, was disagreed to—yeas 17, nays 21, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Nicholas Gilman, Andrew Gregg, Thomas Hartley, John Laurence, Richard Bland Lee, Samuel Livermore, Josiah Parker, Theodore Sedgwick, William Smith, George Thacher, Thomas Tredwell, and Francis Willis.

NAYS.—Elias Boudinot, Abraham Clark, William Findley, Thomas Fitzsimons, Christopher Greenup, William Barry Grove, Daniel Heister, Aaron Kitchell, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, Peter Sylvester, Jeremiah Smith, John Steele, Jonathan Sturges, Thomas Sumpter, and Hugh Williamson.

A message from the Senate, informed the House that the PRESIDENT OF THE UNITED STATES will, on Monday next, take the oath of office required by the Constitution, in the Senate Chamber, at twelve o'clock.

An engrossed bill making addition to the compensation of the Auditor of the Treasury, and the Commissioner of the Revenue, was read the third time and passed.

Resolved, That the Secretary of the Treasury report to Congress, on the first Monday of January next, the number of stills in the respective districts, distinguishing those that are employed in distilling spirits from materials of the growth of the United States; and also, the nett product of revenue arising from the respective Districts and States, particularizing the drawbacks, and distinguishing the Foreign from American materials, and the product by the gallon, month, and year. Also, the number of officers, and amount of their salaries.

The House then adjourned until seven o'clock post meridian.

EVENING SESSION—7 P. M.

The SPEAKER laid before the House, a Letter from the Secretary of the Treasury, accompanying a copy of a letter from the Commissioner of the Revenue to him; also, a report of the general state of the revenue on stills, and on spirits distilled, within the United States, made in pursuance

of the order of this House, of the eighth of May last; which were read, and laid on the table.

Ordered, That the Clerk of this House be directed, to suffer such persons as have given in statements of their public conduct, to the committee appointed to inquire into the causes of the failure of the expedition under General St. Clair, to take copies of all or any such statements.

The House resolved itself into a Committee of the Whole House on the bill marking farther provision for securing and collecting the duties on Foreign and Domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Committee rose, and were discharged from the further consideration of the said bill.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his reports on sundry petitions; which were read, and ordered to lie on the table.

A message from the Senate, informed the House that the Senate having completed the Legislative business before them, are now about to adjourn.

Resolved, That Mr. BOUDINOT, Mr. SEDGWICK, and Mr. HINDMAN, be appointed a committee, jointly, with a committee on the part of the Senate, to wait on the PRESIDENT OF THE UNITED STATES, and inform him that Congress is ready to adjourn without day, unless he may have any farther communications to make to them.

A message from the Senate, informed the House that the Senate have agreed to the resolution of this House for the appointment of a joint committee, to wait on the PRESIDENT OF THE UNITED STATES, and inform him of the intended recess of Congress, and have appointed a committee for that purpose, on their part.

On a motion made and seconded,

"That the thanks of the House of Representatives be presented to JONATHAN TRUMBULL, in testimony of their approbation of his conduct in the Chair, and in the execution of the difficult and important trust reposed in him, as SPEAKER of the said House,"

It was resolved unanimously: Whereupon, Mr. SPEAKER made his acknowledgments to the House, in manner following:

"GENTLEMEN: You have made me very happy by this testimony of your approbation of my conduct in the Chair. I feel, at the same time, an additional pleasure in the opportunity of rendering to you my sincere acknowledgments for the kind candor and indulgence, as well as the constant aid and support, which I have experienced in the performance of the duty which you were pleased to assign me. Be assured, gentlemen, I shall ever retain a grateful sense of your goodness—and you will suffer me to add, that my best wishes for your welfare and happiness, in public and private life, will attend each member of this honorable body."

Mr. BOUDINOT, from the Joint Committee appointed to wait on the PRESIDENT OF THE UNITED STATES, and inform him of the intended recess of Congress, reported that the Committee had performed that duty, and that the PRESIDENT was pleased to say he had no farther communication to make during the present session: Whereupon, Mr. SPEAKER adjourned the House *sine die*.



APPENDIX

TO THE HISTORY OF THE SECOND CONGRESS,

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

TREASURY DEPARTMENT, Nov. 4, 1791.

SIR: I have the honor to transmit herewith a Report to the House of Representatives, accompanying certain estimates of sums necessary to be appropriated for various objects therein specified, including the service of the year 1792.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

HON. JONATHAN TRUMBULL, Esq.,
Speaker of the House of Representatives.

ESTIMATES OF APPROPRIATIONS.

The Secretary of the Treasury respectfully reports to the House of Representatives the Estimates herewith transmitted, Nos. 1, 2, 3, and 4:

The first relating to the Civil List, or the expenditure for the support of Government during the year 1792, (including incidental and contingent expenses of the several Departments and offices,) amounting to - - - \$328,653 56

The second relating to certain liquidated claims upon the Treasury; to certain deficiencies in former estimates for the current service, and to a provision in aid of the fund heretofore appropriated for the payment of certain officers of the Courts, jurors, witnesses, &c. - - - 197,119 49

The third relating to the Department of War, showing the stated expenditure of that Department for the year 1792 - - - 357,731 61

The amount of a year's pensions to invalids - - - 87,463 60

Pay and subsistence to sundry officers, for which no appropriation has yet been made - - - 10,490 36

Arrearages due upon Indian Affairs for the year 1791, and the sum supposed to be necessary for the year 1792 - - - 39,424 71

Expenses incurred for the defensive protection of the frontiers for the years 1790 and 1791, and for which no appropriation has yet been made - - - 37,339 48

Total - - - \$1,058,222 81

As appears by No. 4, which contains a summary of the three preceding ones—exhibiting in one view the total sum as above stated, for which an appropriation is requisite.

The funds out of which the said appropriation may be made are, first, the sum of six hundred thousand dollars reserved annually out of the duties on Imports and Tonnage, by the act making provision for the Debt of the United States, for the support of the Government thereof; and, secondly, such surplus as shall have accrued to the end of the present year upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the Public Debt during the same year, and for the satisfying of other prior appropriations.

Judging from the returns heretofore received at the Treasury, there is good ground to conclude that that surplus, together with the above mentioned sum of six hundred thousand dollars, will be adequate to the object.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

GENERAL ESTIMATE FOR THE SERVICES OF THE ENSUING YEAR.

CIVIL LIST.

For compensation to the President, Vice President, Chief Justice, and Associate Judges \$51,500
Ditto to the District Judges - - - 21,300
Members of the Senate, House of Representatives, and their officers - 129,730
Treasury Department 60,300
Department of State - 6,300
Department of War - 9,800
Board of Commissioners - - - 13,100
Government of the Western Territory - 11,000
Grant to Baron Steuben - - - 2,500
Pensions granted by the late Government 2,767 73
Incidental and contingent expenses of the Civil List establishment - - - 20,555 83

\$328,653 56

Estimates of Appropriations.

EXTRAORDINARIES.	
For discharging certain liquidated claims on the United States -	117,625 70
To making good deficiencies in the Civil List establishment -	49,043 79
Clerks of Courts, jurors, witnesses, &c. -	5,000
Maintenance of light-houses and repairs -	16,000
Keeping prisoners -	4,000
Arranging the public securities -	2,450
Purchase of hydrometers -	1,000
Building and equipping ten cutters -	2,000
	\$197,119 49
WAR DEPARTMENT.	
Stated annual expenses	357,731 61
Annual allowance to invalids -	87,463 60½
For former deficient appropriations -	47,829 84
Indian Department -	39,424 71
	\$532,449 76½
Total - - -	\$1,058,222 81½

TREASURY DEPARTMENT,
Register's office, Nov. 4, 1791.
 JOSEPH NOURSE, *Register.*

REPORT ON MANUFACTURES.

The SECRETARY OF THE TREASURY, in obedience to the order of the House of Representatives of the 15th day of January, 1790, has applied his attention, at as early a period as his other duties would permit, to the subject of Manufactures; and particularly to the means of promoting such as will tend to render the United States independent of Foreign Nations, for military and other essential supplies. And he thereupon respectfully submits the following Report:

The expediency of encouraging manufactures in the United States, which was not long since deemed very questionable, appears at this time to be pretty generally admitted. The embarrassments which have obstructed the progress of our external trade, have led to serious reflections on the necessity of enlarging the sphere of our domestic commerce: the restrictive regulations, which in foreign markets abridge the vent of the increasing surplus of our agricultural produce, serve to beget an earnest desire that a more extensive demand for that surplus may be created at home. And the complete success which has rewarded manufacturing enterprise, in some valuable branches, conspiring with the promising symptoms which attend some less mature essays in others, justify a hope that the obstacles to the growth of this species of industry are less formidable than they were

apprehended to be; and that it is not difficult to find, in its further extension, a full indemnification for any external disadvantages which are or may be experienced, as well as an accession of resources favorable to national independence and safety.

There still are, nevertheless, respectable patrons of opinions, unfriendly to the encouragement of manufactures. The following are, substantially, the arguments by which these opinions are defended:

"In every country, (say those who entertain them,) agriculture is the most beneficial and productive object of human industry. This position, generally, if not universally true, applies with peculiar emphasis to the United States, on account of their immense tracts of fertile territory, uninhabited and unimproved. Nothing can afford so advantageous an employment for capital and labor, as the conversion of this extensive wilderness into cultivated farms. Nothing, equally with this, can contribute to the population, strength, and real riches of the country."

"To endeavor, by the extraordinary patronage of Government, to accelerate the growth of manufactures, is, in fact, to endeavor, by force and art, to transfer the natural current of industry from a more to a less beneficial channel. Whatever has such a tendency, must necessarily be unwise: indeed it can hardly ever be wise in a Government to attempt to give a direction to the industry of its citizens. This, under the quick-sighted guidance of private interest, will, if left to itself, infallibly find its own way to the most profitable employment; and it is by such employment that the public prosperity will be most effectually promoted. To leave industry to itself, therefore, is, in almost every case, the soundest as well as the simplest policy."

"This policy is not only recommended to the United States by considerations which affect all nations; it is, in a manner, dictated to them by the imperious force of a very peculiar situation. The smallness of their population, compared with their territory; the constant allurements to emigration from the settled to the unsettled parts of the country; the facility with which the less independent condition of an artisan can be exchanged for the more independent condition of a farmer; these, and similar causes, conspire to produce, and for a length of time must continue to occasion, a scarcity of hands for manufacturing occupation, and dearth of labor generally. To these disadvantages for the prosecution of manufactures, a deficiency of pecuniary capital being added, the prospect of a successful competition with the manufactures of Europe must be regarded as little less than desperate. Extensive manufactures can only be the offspring of a redundant, at least of a full population. Until the latter shall characterize the situation of this country, it is vain to hope for the former."

"If, contrary to the natural course of things, an unseasonable and premature spring can be given to certain fabrics by heavy duties, prohibitions, bounties, or by other forced expedients, this will only be to sacrifice the interests of the community

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to those of particular classes. Besides the misdirection of labor, a virtual monopoly will be given to the persons employed on such fabrics; and an enhancement of price, the inevitable consequence of every monopoly, must be defrayed at the expense of the other parts of the society. It is far preferable that those persons should be engaged in the cultivation of the earth, and that we should procure, in exchange for its productions, the commodities with which foreigners are able to supply us in greater perfection, and upon better terms."

This mode of reasoning is founded upon facts and principles which have certainly respectable pretensions. If it had governed the conduct of nations more generally than it has done, there is room to suppose that it might have carried them faster to prosperity and greatness, than they have attained by the pursuit of maxims too widely opposite. Most general theories, however, admit of numerous exceptions; and there are few, if any, of the political kind, which do not blend a considerable portion of error with the truths they inculcate.

In order to an accurate judgment how far that which has been just stated ought to be deemed liable to similar imputation, it is necessary to advert carefully to the considerations which plead in favor of manufactures, and which appear to recommend the special and positive encouragement of them in certain cases, and under certain reasonable limitations.

It ought readily to be conceded that the cultivation of the earth, as the primary and most certain source of national supply; as the immediate and chief source of subsistence to man; as the principal source of those materials which constitute the nutriment of other kinds of labor; as including a state most favorable to the freedom and independence of the human mind; one, perhaps, most conducive to the multiplication of the human species; has intrinsically a strong claim to pre-eminence over every other kind of industry.

But, that it has a title to anything like an exclusive predilection, in any country, ought to be admitted with great caution. That it is even more productive than every branch of industry, requires more evidence than has yet been given in support of the position. That its real interests, precious and important as without the help of exaggeration they truly are, will be advanced rather than injured by the due encouragement of manufactures, may, it is believed, be satisfactorily demonstrated. And it is also believed, that the expediency of such encouragement, in a general view, may be shown to be recommended by the most cogent and persuasive motives of national policy.

It has been maintained that agriculture is not only the most productive, but the only productive species of industry. The reality of this suggestion, in either respect, has, however, not been verified by any accurate detail of facts and calculations; and the general arguments, which are adduced to prove it, are rather subtle and paradoxical than solid or convincing. Those which maintain its exclusive productiveness are to this effect:

Labor, bestowed upon the cultivation of land, produces enough not only to replace all the necessary expenses incurred in the business, and to maintain the persons who are employed in it, but to afford, together with the ordinary profit on the stock or capital of the farmer, a nett surplus or rent for the landlord or proprietor of the soil. But the labor of artificers does nothing more than replace the stock which employs them, or which furnishes materials, tools, and wages, and yield the ordinary profit upon that stock. It yields nothing equivalent to the rent of land. Neither does it add anything to the total value of the whole annual produce of the land and labor of the country. The additional value given to those parts of the produce of land which are wrought into manufactures, is counterbalanced by the value of those other parts of that produce, which are consumed by the manufacturers. It can therefore only be by saving or parsimony, not by the positive productiveness of their labor, that the classes of artificers can in any degree augment the revenue of the society. To this it has been answered—

1. "That, inasmuch as it is acknowledged that manufacturing labor reproduces a value equal to that which is expended or consumed in carrying it on, and continues in existence the original stock or capital employed, it ought, on that account alone, to escape being considered, as wholly unproductive: that though it should be admitted, as alleged, that the consumption of the produce of the soil by the classes of artificers or manufacturers is exactly equal to the value added by their labor to the materials upon which it is exerted, yet it would not thence follow that it added nothing to the revenue of the society, or to the aggregate value of the annual produce of its land and labor. If the consumption for any given period amounted to a given sum, and the increased value of the produce manufactured in the same period to a like sum, the total amount of the consumption and production during that period would be equal to the two sums, and consequently double the value of the agricultural produce consumed. And though the increment of value produced by the classes of artificers should at no time exceed the value of the produce of the land consumed by them, yet there would be at every moment, in consequence of their labor, a greater value of goods in the market than would exist independent of it."

2. "That the position, that artificers can augment the revenue of a society only by parsimony, is true in no other sense than in one which is equally applicable to husbandmen or cultivators. It may be alike affirmed, of all these classes, that the fund acquired by their labor and destined for their support, is not, in an ordinary way, more than equal to it. And hence it will follow, that augmentations of the wealth or capital of the community (except in the instances of some extraordinary dexterity or skill) can only proceed, with respect to any of them, from the savings of the more thrifty and parsimonious."

3. "That the annual produce of the land and labor of a country can only be increased in two ways, by some improvement in the productive

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powers of the useful labor which actually exists within it, or by some increase in the quantity of such labor. That with regard to the first, the labor of artificers being capable of greater subdivision and simplicity of operation than that of cultivators, it is susceptible, in a proportionably greater degree, of improvement in its productive powers, whether to be derived from an accession of skill, or from the application of ingenious machinery; in which particular, therefore, the labor employed in the culture of land can pretend to no advantage over that engaged in manufactures. That with regard to an augmentation of the quantity of useful labor, this (excluding adventitious circumstances) must depend essentially upon an increase of capital; which, again, must depend upon the savings made out of the revenues of those who furnish or manage that which is at any time employed, whether in agriculture or in manufactures, or in any other way.²

But, while the exclusive productiveness of agricultural labor has been thus denied and refuted, the superiority of its productiveness has been conceded without hesitation. As this concession involves a point of considerable magnitude in relation to maxims of public administration, the grounds on which it rests are worthy of a distinct and particular examination.

One of the arguments made use of in support of the idea, may be pronounced both quaint and superficial; it amounts to this: That in the productions of the soil Nature co-operates with man, and that the effect of their joint labor must be greater than that of the labor of man alone. This, however, is far from being a necessary inference. It is very conceivable, that the labor of man alone, laid out upon a work requiring great skill and art to bring it to perfection, may be more productive, in value, than the labor of Nature and man combined, when directed towards more simple operations and objects: and when it is recollected to what an extent the agency of Nature, in the application of the mechanical powers, is made auxiliary to the prosecution of manufactures, the suggestion which has been noticed loses even the appearance of plausibility.

It might also be observed, with a contrary view, that the labor employed in agriculture is in a great measure periodical and occasional, depending on seasons liable to various and long intermissions; while that occupied in many manufactures is constant and regular, extending through the year, embracing, in some instances, night as well as day. It is also probable that there are, among the cultivators of land, more examples of remissness than among artificers. The farmer, from the peculiar fertility of his land, or some other favorable circumstance, may frequently obtain a livelihood, even with a considerable degree of carelessness in the mode of cultivation; but the artisan can with difficulty effect the same object, without exerting himself pretty equally with all those who are engaged in the same pursuit. And if it may likewise be assumed as a fact that manufactures open a wider field to exertions of ingenuity than agriculture, it would not be a strained

conjecture, that the labor employed in the former being at once more constant, more uniform, and more ingenious, than that which is employed in the latter, will be found at the same time more productive. But it is not meant to lay stress on observations of this nature: they ought only to serve as a counterbalance to those of a similar complexion. Circumstances so vague and general, as well as so abstract, can afford little instruction in a matter of this kind.

Another, and that which seems to be the principal argument offered for the superior productiveness of agricultural labor, turns upon the allegation that labor employed on manufactures yields nothing equivalent to the rent of land; or to that nett surplus, as it is called, which accrues to the proprietor of the soil. But this distinction, important as it has been deemed, appears rather verbal than substantial. It is easily discernible that what, in the first instance, is divided into two parts, under the denominations of the ordinary profit of the stock of the farmer and rent to the landlord, is, in the second instance, united, under the general appellation of the ordinary profit on the stock of the undertaker; and that this formal or verbal distribution constitutes the whole difference in the two cases. It seems to have been overlooked that the land is, itself, a stock or capital, advanced or lent by its owner to the occupier or tenant, and that the rent he receives is only the ordinary profit of a certain stock in land, not managed by the proprietor himself, but by another to whom he lends or lets it, and who, on his part, advances a second capital to stock and improve the land, upon which he also receives the usual profit. The rent of the landlord and the profit of the farmer, are, therefore, nothing more than the ordinary profits of two capitals, belonging to two different persons, and united in the cultivation of a farm. As in the other case; the surplus which arises upon any manufactory, after replacing the expenses of carrying it on, answers to the ordinary profits of one or more capitals engaged in the prosecution of such manufactory: it is said one or more capitals, because, in fact, the same thing which is contemplated in the case of the farm, sometimes happens in that of a manufactory. There is one who furnishes a part of the capital, or lends a part of the money by which it is carried on, and another who carries it on, with the addition of his own capital. Out of the surplus which remains after defraying expenses, an interest is paid to the money-lender for the portion of the capital furnished by him, which exactly agrees with the rent paid to the landlord; and the residue of that surplus constitutes the profit of the undertaker or manufacturer, and agrees with what is denominated the ordinary profits on the stock of the farmer. Both together make the ordinary profits of two capitals employed in a manufactory; as, in the other case, the rent of the landlord and the revenue of the farmer compose the ordinary profits of two capitals employed in the cultivation of a farm. The rent, therefore, accruing to the proprietor of the land, far from being a criterion of exclusive productiveness, as has been argued, is no criterion even of superior

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productiveness. The question must still be, whether the surplus, after defraying expenses of a given capital employed in the purchase and improvement of a piece of land, is greater or less than that of a like capital employed in the prosecution of a manufactory? or whether the whole value produced from a given capital and a given quantity of labor, employed in one way, be greater or less than the whole value produced from an equal capital and an equal quantity of labor employed in the other way? or, rather, perhaps, whether the business of agriculture or that of manufactures will yield the greatest product, according to a compound ratio of the quantity of the capital and the quantity of labor, which are employed in the one or in the other?

The solution of either of these questions is not easy; it involves numerous and complicated details, depending on an accurate knowledge of the objects to be compared. It is not known that the comparison has ever yet been made upon sufficient data properly ascertained and analyzed. To be able to make it on the present occasion, with satisfactory precision, would demand more previous inquiry and investigation than there has been hitherto either leisure or opportunity to accomplish. Some essays, however, have been made, towards acquiring the requisite information, which have rather served to throw doubt upon than to confirm the hypothesis under examination. But it ought to be acknowledged that they have been too little diversified, and are too imperfect, to authorize a definitive conclusion either way; leading rather to probable conjecture than to certain deduction. They render it probable, that there are various branches of manufactures in which a given capital will yield a greater total product, and a considerably greater nett product, than an equal capital invested in the purchase and improvement of lands; and that there are also some branches in which both the gross and the nett produce will exceed that of agricultural industry, according to a compound ratio of capital and labor. But it is on this last point that there appears to be the greatest room for doubt. It is far less difficult to infer, generally, that the nett produce of capital engaged in manufacturing enterprises is greater than that of capital engaged in agriculture.

The foregoing suggestions are not designed to inculcate an opinion that manufacturing industry is more productive than that of agriculture. They are intended rather to show that the reverse of this proposition is not ascertained; that the general arguments which are brought to establish it are not satisfactory; and, consequently, that a supposition of the superior productiveness of tillage ought to be no obstacle to listening to any substantial inducements to the encouragement of manufactures, which may be otherwise perceived to exist, through an apprehension that they may have a tendency to divert labor from a more to a less profitable employment. It is extremely probable, that, on a full and accurate development of the matter, on the ground of fact and calculation, it would be discovered that there is no material difference between the aggregate productiveness of the one and

of the other kind of industry; and that the propriety of the encouragements which may in any case be proposed to be given to either, ought to be determined upon considerations irrelative to any comparison of that nature.

But, without contending for the superior productiveness of manufacturing industry, it may conduce to a better judgment of the policy which ought to be pursued respecting its encouragement, to contemplate the subject under some additional aspects, tending not only to confirm the idea that this kind of industry has been improperly represented as unproductive in itself, but to evince, in addition, that the establishment and diffusion of manufactures have the effect of rendering the total mass of useful and productive labor, in a community, greater than it would otherwise be. In prosecuting this discussion, it may be necessary briefly to resume and review some of the topics which have been already touched.

To affirm that the labor of the manufacturer is unproductive, because he consumes as much of the produce of land as he adds value to the raw materials which he manufactures, is not better founded than it would be to affirm that the labor of the farmer, which furnishes materials to the manufacturer, is unproductive, because he consumes an equal value of manufactured articles. Each furnishes a certain portion of the produce of his labor to the other, and each destroys a correspondent portion of the produce of the labor of the other. In the mean time, the maintenance of two citizens, instead of one, is going on; the State has two members, instead of one; and they together consume twice the value of what is produced from the land. If, instead of a farmer and artificer, there were a farmer only, he would be under the necessity of devoting a part of his labor to the fabrication of clothing and other articles, which he would procure of the artificer, in the case of there being such a person, and of course he would be able to devote less labor to the cultivation of his farm, and would draw from it a proportionably less product. The whole quantity of production, in this state of things, in provisions, raw materials, and manufactures, would certainly not exceed in value the amount of what would be produced in provisions and raw materials only, if there were an artificer as well as a farmer. Again: if there were both an artificer and a farmer, the latter would be left at liberty to pursue exclusively the cultivation of his farm. A greater quantity of provisions and raw materials would of course be produced, equal, at least, as has been already observed, to the whole amount of the provisions, raw materials, and manufactures, which would exist on a contrary supposition. The artificer, at the same time, would be going on in the production of manufactured commodities, to an amount sufficient not only to repay the farmer in those commodities for the provisions and materials which were procured from him, but to furnish the artificer himself with a supply of similar commodities for his own use. Thus, then, there would be two quantities or values in existence, instead of one; and the revenue and consumption

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would be double in one case what it would be in the other.

If, in place of both these suppositions, there were supposed to be two farmers and no artificer, each of whom applied a part of his labor to the culture of land, and another part to the fabrication of manufactures; in this case, the portion of the labor of both bestowed upon land would produce the same quantity of provisions and raw materials only, as would be produced by the entire sum of the labor of one applied in the same manner, and the portion of the labor of both bestowed upon manufactures, would produce the same quantities of manufactures only, as would be produced by the entire sum of the labor of one applied in the same manner. Hence, the produce of the labor of the two farmers would not be greater than the produce of the labor of the farmer and artificer; and hence it results, that the labor of the artificer is as positively productive as that of the farmer, and, as positively, augments the revenue of the society.

The labor of the artificer replaces to the farmer that portion of his labor with which he provides the materials of exchange with the artificer, and which he would otherwise have been compelled to apply to manufactures; and while the artificer thus enables the farmer to enlarge his stock of agricultural industry, a portion of which he purchases for his own use, he also supplies himself with the manufactured articles of which he stands in need. He does still more; besides this equivalent, which he gives for the portion of agricultural labor consumed by him, and this supply of manufactured commodities for his own consumption, he furnishes still a surplus, which compensates for the use of the capital advanced either by himself or some other person, for carrying on the business. This is the ordinary profit of the stock employed in the manufactory, and is, in every sense, as effective an addition to the income of the society as the rent of land.

The produce of the labor of the artificer, consequently, may be regarded as composed of three parts; one by which the provisions for his subsistence and the materials for his work are purchased of the farmer, one by which he supplies himself with manufactured necessaries, and a third which constitutes the profit on the stock employed. The two last portions seem to have been overlooked in the system, which represents manufacturing industry as barren and unproductive.

In the course of the preceding illustrations, the products of equal quantity of the labor of the farmer and artificer have been treated as if equal to each other. But this is not to be understood as intending to assert any such precise equality. It is merely a manner of expression adopted for the sake of simplicity and perspicuity.

Whether the value of the produce of the labor of the farmer be somewhat more or less than that of the artificer, is not material to the main scope of the argument which hitherto has only aimed at showing that the one, as well as the other, occasions a positive augmentation of the total produce and revenue of the society.

It is now proper to proceed a step further, and to enumerate the principal circumstances, from which it may be inferred. That manufacturing establishments not only occasion a positive augmentation of the produce and revenue of the society, but that they contribute essentially to rendering them greater than they could possibly be, without such establishments.

These circumstances are—

1. The division of labor.
2. An extension of the use of machinery.
3. Additional employment to classes of the community not ordinarily engaged in the business.
4. The promoting of emigration from foreign countries.
5. The furnishing greater scope for the diversity of talents and dispositions which discriminate men from each other.
6. The affording a more ample and various field for enterprise.
7. The creating, in some instances, a new, and securing in all, a more certain and steady demand for the surplus produce of the soil.

Each of these circumstances has a considerable influence upon the total mass of industrious effort in a community; together, they add to it a degree of energy and effect, which are not easily conceived. Some comments upon each of them, in the order in which they have been stated, may serve to explain their importance.

1. As to the division of labor.

It has justly been observed, that there is scarcely any thing of greater moment in the economy of a nation, than the proper division of labor. The separation of occupations causes each to be carried to a much greater perfection than it could possibly acquire, if they were blended. This arises, principally, from three circumstances.

1st. The greater skill and dexterity naturally resulting from a constant and undivided application to a single object. It is evident that these properties must increase, in proportion to the separation and simplification of objects and the steadiness of the attention devoted to each; and must be less, in proportion to the complication of objects, and the number among which the attention is distracted.

2d. The economy of time, by avoiding the loss of it, incident to a frequent transition from one operation to another of a different nature. This depends on various circumstances; the transition itself, the orderly disposition of the implements, machines, and materials employed in the operation to be relinquished, the preparatory steps to the commencement of a new one, the interruption of the impulse, which the mind of the workman acquires, from being engaged in a particular operation; the distractions, hesitations, and reluctance, which attended the passage from one kind of business to another.

3d. An extension of the use of machinery. A man occupied on a single object will have it more in his power, and will be more naturally led to exert his imagination devising methods to facilitate and abridge labor than if he were perplexed by a variety of independent and dissimilar opera-

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tions. Besides this, the fabrication of machines, in numerous instances, becoming itself a distinct trade, the artist who follows it, has all the advantages which have been enumerated for improvement in his particular art, and in both ways the invention and application of machinery are extended.

And from these causes united, the mere separation of the occupation of the cultivator from that of the artificer, has the effect of augmenting the productive powers of labor, and with them, the total mass of the produce or revenue of a country. In this single view of the subject, therefore, the utility of artificers or manufacturers, towards promoting an increase of productive industry, is apparent.

II. As to an extension of the use of machinery, a point which, though partly anticipated, requires to be placed in one or two additional lights.

The employment of machinery forms an item of great importance in the general mass of national industry. It is an artificial force, brought in aid of the natural force of man; and, to all the purposes of labor, is an increase of hands; an accession of the strength, unincumbered too, by the expense of maintaining the laborer. May it not, therefore, be fairly inferred, that those occupations, which give greatest scope to the use of this auxiliary, contribute most to the general stock of industrious effort, and, in consequence, to the general product of industry?

It shall be taken for granted, and the truth of the position referred to observation, that manufacturing pursuits are susceptible in a greater degree of the application of machinery, than those of agriculture. If so, all the difference is lost to a community, which, instead of manufacturing for itself, procures the fabrics requisite to its supply from other countries. The substitution of foreign for domestic manufactures is a transfer to foreign nations of the advantages accruing from the employment of machinery, in the modes in which it is capable of being employed, with most utility and to the greatest extent.

The cotton mill invented in England, within the last twenty years, is a signal illustration of the general proposition, which has been just advanced. In consequence of it, all the different processes for spinning cotton are performed by means of machines, which are put in motion by water, and attended chiefly by women and children; and by a smaller number of persons, in the whole, than are requisite in the ordinary mode of spinning. And it is an advantage of great moment that the operations of this mill continue, with convenience, during the night, as well as through the day. The prodigious effect of such a machine is easily conceived. To this invention is to be attributed, essentially, the immense progress which has been so suddenly made in Great Britain, in the various fabrics of cotton.

III. As to the additional employment of classes of the community, not originally engaged in the particular business.

This is not among the least valuable of the means by which manufacturing institutions con-

tribute to augment the general stock of industry and production. In places where those institutions prevail, besides the persons regularly engaged in them, they afford occasional and extra employment to industrious individuals and families who are willing to devote the leisure resulting from the intermissions of their ordinary pursuits to collateral labors, as a resource for multiplying their acquisitions or their enjoyments. The husbandman himself experiences a new source of profit and support from the increased industry of his wife and daughters; invited and stimulated by the demands of the neighboring manufactories.

Besides this advantage of occasional employment to classes having different occupations, there is another of a nature allied to it, and of a similar tendency. This is the employment of persons who would otherwise be idle, (and in many cases a burden on the community,) either from the bias of temper, habit, infirmity of body, or some other cause, indisposing or disqualifying them for the toils of the country. It is worthy of particular remark, that, in general, women and children are rendered more useful, and the latter more early useful, by manufacturing establishments, than they would otherwise be. Of the number of persons employed in the cotton manufactories of Great Britain, it is computed that four-sevenths, nearly, are women and children; of whom the greatest proportion are children, and many of them of a tender age.

And thus it appears to be one of the attributes of manufactories, and one of no small consequence, to give occasion to the exertion of a greater quantity of industry, even by the same number of persons, where they happen to prevail, than would exist, if there were no such establishments.

IV. As to the promoting of emigration from foreign countries.

Men reluctantly quit one course of occupation and livelihood for another, unless invited to it by very apparent and proximate advantages. Many who would go from one country to another, if they had a prospect of continuing, with more benefit, the callings to which they have been educated, will often not be tempted to change their situation by the hope of doing better in some other way. Manufacturers who, listening to the powerful invitations of a better price for their fabrics or their labor, of greater cheapness of provisions and raw materials, of an exemption from the chief part of the taxes, burdens, and restraints, which they endure in the Old World, of greater personal independence and consequence, under the operation of a more equal Government; and of what is far more precious than mere religious toleration, a perfect equality of religious privileges; would, probably, flock from Europe to the United States to pursue their own trades or professions, if they were once made sensible of the advantages they would enjoy, and were inspired with an assurance of encouragement and employment, will, with difficulty, be induced to transplant themselves, with a view to becoming cultivators of land.

If it be true, then, that it is the interest of the United States to open every possible avenue to

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emigration from abroad, it affords a weighty argument for the encouragement of manufactures; which, for the reason just assigned, will have the strongest tendency to multiply the inducements to it.

Here is perceived an important resource, not only for extending the population, and with it the useful and productive labor of the country, but likewise for the prosecution of manufactures, without deducting from the number of hands which might otherwise be drawn to tillage, and even for the indemnification of agriculture for such as might happen to be diverted from it. Many, whom manufacturing views would induce to emigrate, would afterwards yield to the temptations, which the particular situation of this country holds out to agricultural pursuits. And while agriculture would, in other respects, derive many signal and unmingled advantages, from the growth of manufactures, it is a problem whether it would gain or lose, as to the article of the number of persons employed in carrying it on.

V. As to the furnishing greater scope for the diversity of talents and dispositions, which discriminate men from each other.

This is a much more powerful mean of augmenting the fund of national industry than may at first sight appear. It is a just observation, that minds of the strongest and most active powers for their proper objects fall below mediocrity and labor without effect, if confined to unengendered pursuits. And it is thence to be inferred, that the results of human exertion may be immensely increased by diversifying its objects. When all the different kinds of industry obtain in a community, each individual can find his proper element, and can call into activity the whole vigor of his nature. And the community is benefited by the services of its respective members, in the manner in which each can serve it with most effect.

If there be any thing in a remark often to be met with, namely: that there is, in the genius of the people of this country, a peculiar aptitude for mechanic improvements, it would operate as a forcible reason for giving opportunities to the exercise of that species of talent, by the propagation of manufactures.

VI. As to the affording a more ample and various field for enterprise.

This, also, is of greater consequence in the general scale of national exertion, than might, perhaps, on a superficial view be supposed, and has effects not altogether dissimilar from those of the circumstance last noticed. To cherish and stimulate the activity of the human mind, by multiplying the objects of enterprise, is not among the least considerable of the expedients, by which the wealth of a nation may be promoted. Even things in themselves, not positively advantageous, sometimes become so, by their tendency to provoke exertion. Every new scene which is opened to the busy nature of man to rouse and exert itself, is the addition of a new energy to the general stock of effort.

The spirit of enterprise, useful and prolific as it is, must necessarily be contracted or expanded in proportion to the simplicity or variety of the oc-

cupations and productions, which are to be found in a society. It must be less in a nation of mere cultivators, than in a nation of cultivators and merchants; less in a nation of cultivators and merchants, than in a nation of cultivators, artificers, and merchants.

VII. As to the creating, in some instances, a new, and securing in all a more certain and steady demand for the surplus produce of the soil.

This is among the most important of the circumstances which has been indicated. It is a principal mean by which the establishment of manufactures contributes to an augmentation of the produce or revenue of a country, and has an immediate and direct relation to the prosperity of agriculture.

It is evident that the exertions of the husbandman will be steady or fluctuating, vigorous or feeble, in proportion to the steadiness or fluctuation, adequateness or inadequateness of the markets on which he must depend, for the vent of the surplus, which may be produced by his labor; and that such surplus in the ordinary course of things will be greater or less in the same proportion.

For the purpose of this vent, a domestic market is greatly to be preferred to a foreign one; because it is, in the nature of things, far more to be relied upon.

It is a primary object of the policy of nations to be able to supply themselves with subsistence from their own soils; and manufacturing nations, as far as circumstances permit, endeavor to procure, from the same source, the raw materials necessary for their own fabrics. This disposition, urged by the spirit of monopoly, is sometimes even carried to an injudicious extreme. It seems not always to be recollected that nations who have neither mines nor manufactures, can only obtain the manufactured articles of which they stand in need, by an exchange of the products of their soils; and that, if those who can best furnish them with such articles are unwilling to give a due course to this exchange, they must, of necessity, make every possible effort to manufacture for themselves; the effect of which is, that the manufacturing nations abridge the natural advantages of their situation, through an unwillingness to permit the agricultural countries to enjoy the advantages of theirs, and sacrifice the interests of a mutually beneficial intercourse to the vain project of selling every thing and buying nothing.

But it is also a consequence of the policy which has been noted, that the foreign demand for the products of agricultural countries is, in a great degree, rather casual and occasional, than certain or constant. To what extent injurious interruptions of the demand for some of the staple commodities of the United States may have been experienced from that cause, must be referred to the judgment of those who are engaged in carrying on the commerce of the country; but it may be safely affirmed, that such interruptions are at times very inconveniently felt; and that cases not unfrequently occur, in which markets are so confined and restricted, as to render the demand very unequal to the supply.

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Independently, likewise, of the artificial impediments, which are created by the policy in question, there are natural causes tending to render the external demand for the surplus of agricultural nations a precarious reliance. The differences of seasons, in the countries which are the consumers, make immense differences in the produce of their own soils, in different years; and, consequently, in the degrees of their necessity for foreign supply. Plentiful harvests with them, especially if similar ones occur at the same time in the countries which are the furnishers, occasion, of course, a glut in the markets of the latter.

Considering how fast and how much the progress of new settlements of the United States must increase the surplus produce of the soil, and weighing seriously the tendency of the system, which prevails among most of the commercial nations of Europe; whatever dependence may be placed on the force of natural circumstances to counteract the effects of an artificial policy, there appear strong reasons to regard the foreign demand for that surplus as too uncertain a reliance, and to desire a substitute for it, in an extensive domestic market.

To secure such a market, there is no other expedient than to promote manufacturing establishments. Manufacturers who constitute the most numerous class, after the cultivators of land, are, for that reason, the principal consumers of the surplus of their labors.

This idea of an extensive domestic market for the surplus produce of the soil, is of the first consequence. It is of all things, that which most effectually conduces to a flourishing state of agriculture. If the effect of manufactories should be to detach a portion of the hands which would otherwise be engaged in tillage, it might possibly cause a smaller quantity of land to be under cultivation; but by their tendency to procure a mere certain demand for the surplus produce of the soil, they would, at the same time, cause the lands which were in cultivation, to be better improved and more productive. And while, by their influence, the condition of each individual farmer would be meliorated, the total mass of agricultural production would probably be increased. For this must evidently depend as much, if not more, upon the degree of improvement, than upon the number of acres under culture.

It merits particular observation, that the multiplication of manufactories not only furnishes a market for those articles which have been accustomed to be produced in abundance in a country, but it likewise creates a demand for such as were either unknown or produced in considerable quantities. The bowels as well as the surface of the earth, are ransacked for articles which were before neglected. Animals, plants, and minerals acquire a utility and value, which were before unexplored.

The foregoing considerations seem sufficient to establish the propositions, that it is the interest of nations to diversify the industrious pursuits of the individuals who compose them; that the establishment of manufactures is calculated, not only to

increase the general stock of useful and productive labor, but even to improve the state of agriculture in particular, certainly to advance the interests of those who are engaged in it. There are other views, that will be hereafter taken of the subject, which, it is conceived, will serve to confirm these inferences.

Previously to a further discussion of the objections to the encouragement of manufactures which have been stated, it will be of use to see what can be said in reference to the particular situation of the United States, against the conclusions appearing to result from what has been already offered.

It may be observed, and the idea is of no inconsiderable weight, that however true it might be, that a State, which, possessing large tracts of vacant and fertile territory, was at the same time secluded from foreign commerce, would find its interest and the interest of agriculture, in diverting a part of its population from tillage to manufactures; yet it will not follow, that the same is true of a State, which, having such vacant and fertile territory, has at the same time ample opportunity of procuring from abroad, on good terms, all the fabrics of which it stands in need, for the supply of its inhabitants. The power of doing this at least secures the great advantage of a division of labor, leaving the farmer free to pursue exclusively the culture of his land, and enabling him to procure with its products the manufactured supplies requisite either to his wants or to his enjoyments. And though it should be true, that in settled countries, the diversification of industry is conducive to an increase in the productive powers of labor, and to an augmentation of revenue and capital, yet it is scarcely conceivable that there can be anything of so solid and permanent advantage to an uncultivated and unpeopled country, as to convert its wastes into cultivated and inhabited districts. If the revenue, in the mean time, should be less, the capital, in the event, must be greater.

To these observations, the following appears to be a satisfactory answer:

1. If the system of perfect liberty to industry and commerce were the prevailing system of nations, the arguments which dissuade a country, in the predicament of the United States, from the zealous pursuit of manufactures would doubtless have great force. It will not be affirmed, that they might not be permitted, with few exceptions, to serve as a rule of national conduct. In such a state of things, each country would have the full benefit of its peculiar advantages to compensate for its deficiencies or disadvantages. If one nation were in condition to supply manufactured articles on better terms than another, that other might find an abundant indemnification in a superior capacity to furnish the produce of the soil. And a free exchange mutually beneficial of the commodities which each was able to supply on the best terms, might be carried on between them, supporting in full vigor the industry of each. And though the circumstances which have been mentioned, and others which will be unfolded hereafter, render it probable, that nations merely agricultural, would

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not enjoy the same degree of opulence, in proportion to their numbers, as those which united manufactures with agriculture; yet the progressive improvement of the lands of the former, might in the end, atone for an inferior degree of opulence in the mean time; and in a case, in which opposite considerations are pretty equally balanced, the option ought perhaps always to be, in favor of leaving industry to its own direction.

But the system, which has been mentioned, is far from characterizing the general policy of nations. The prevalent one has been regulated by an opposite spirit. The consequence of it is, that the United States are to a certain extent in the situation of a country precluded from foreign commerce. They can indeed, without difficulty, obtain from abroad the manufactured supplies, of which they are in want; but they experience numerous and very injurious impediments to the emission and vent of their own commodities. Nor is this the case in reference to a single foreign nation only. The regulations of several countries, with which we have the most extensive intercourse, throw serious obstructions in the way of the principal staples of the United States.

In such a position of things, the United States cannot exchange with Europe on equal terms; and the want of reciprocity, would render them the victim of a system which would induce them to confine their views to agriculture, and refrain from manufactures. A constant and increasing necessity on their part, for the commodities of Europe, and only a partial and occasional demand for their own, in return, could not but expose them to a state of impoverishment, compared with the opulence to which their political and natural advantages authorize them to aspire.

Remarks of this kind are not made in the spirit of complaint. It is for the nations, whose regulations are alluded to, to judge for themselves, whether by aiming at too much, they do not lose more than they gain. It is for the United States to consider by what means they can render themselves least dependent on the combinations, right or wrong, of foreign policy.

It is no small consolation, that already the measures which have embarrassed our trade, have accelerated internal improvements, which upon the whole have bettered our affairs. To diversify and extend these improvements, is the surest and safest method of indemnifying ourselves for any inconveniencies, which those or similar measures have a tendency to beget. If Europe will not take from us the products of our soil, upon terms consistent with our interest, the natural remedy is to contract as fast as possible our wants of her.

2. The conversion of their waste into cultivated lands is certainly a point of great moment in the political calculations of the United States. But the degree in which this may possibly be retarded by the encouragement of manufactories does not appear to countervail the powerful inducements to affording that encouragement.

An observation made in another place is of a nature to have great influence upon this question. If it cannot be denied that the interests even of

agriculture may be advanced more by having such of the lands of a State as are occupied under good cultivation, than by having a greater quantity occupied under a much inferior cultivation, and if manufactories, for the reasons assigned, must be admitted to have a tendency to promote a more steady and vigorous cultivation of the lands occupied, than would happen without them, it will follow that they are capable of indemnifying a country for a diminution of the progress of new settlements; and may serve to increase both the capital value and the income of its lands, even though they should abridge the number of acres under tillage.

But it does by no means follow, that the progress of new settlements would be retarded by the extension of manufactures. The desire of being an independent proprietor of land is founded on such strong principles in the human breast, that where the opportunity of becoming so is as great as it is in the United States, the proportion will be small of those, whose situations would otherwise lead to it, who would be diverted from it towards manufactures. And it is highly probable, as already intimated, that the accessions of foreigners, who originally drawn over by manufacturing views would afterwards abandon them for agricultural, would be more than an equivalent for those of our own citizens, who might happen to be detached from them.

The remaining objections to a particular encouragement of manufactures in the United States now require to be examined.

One of these turn on the proposition that industry, if left to itself, will naturally find its way to the most useful and profitable employment: whence it is inferred, that manufactures, without the aid of Government, will grow up as soon and as fast as the natural state of things and the interest of the community may require.

Against the solidity of this hypothesis, in the full latitude of the terms, very cogent reasons may be offered. These have relation to the strong influence of habit and the spirit of imitation, the fear of want of success in untried enterprises, the intrinsic difficulties incident to first essays towards a competition with those who have previously attained to perfection in the business to be attempted, the bounties, premiums, and other artificial encouragements, with which foreign nations second the exertions of their own citizens in the branches in which they are to be rivalled.

Experience teaches that men are often so much governed by what they are accustomed to see and practice, that the simplest and most obvious improvements, in the most ordinary occupations, are adopted with hesitation, reluctance, and by slow gradations. The spontaneous transition to new pursuits, in a community long habituated to different ones, may be expected to be attended with proportionably greater difficulty. When former occupations ceased to yield a profit adequate to the subsistence of their followers, or when there was an absolute deficiency of employment in them, owing to the superabundance of hands, changes would ensue; but these changes would be likely

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to be more tardy than might consist with the interest either of individuals or of the society. In many cases they would not happen, while a bare support could be insured by an adherence to ancient courses; though a resort to a more profitable employment might be practicable. To produce the desirable changes as early as may be expedient, may therefore require the incitement and patronage of Government.

The apprehension of failing in new attempts is perhaps a more serious impediment. There are dispositions apt to be attracted by the mere novelty of an undertaking; but these are not always those best calculated to give it success. To this, it is of importance that the confidence of cautious, sagacious capitalists, both citizens and foreigners, should be excited. And to inspire this description of persons with confidence, it is essential that they should be made to see in any project, which is new, and for that reason alone, if for no other, precarious, the prospect of such a degree of countenance and support from Government, as may be capable of overcoming the obstacles, inseparable from first experiments.

The superiority antecedently enjoyed by nations, who have pre-occupied and perfected a branch of industry, constitutes a more formidable obstacle than either of those which have been mentioned, to the introduction of the same branch into a country in which it did not before exist. To maintain, between the recent establishments of one country and the long matured establishments of another country, a competition upon equal terms, both as to quality and price, is in most cases impracticable. The disparity in the one, or in the other, or in both, must necessarily be so considerable as to forbid a successful rivalry, without the extraordinary aid and protection of Government.

But the greatest obstacle of all to the successful prosecution of a new branch of industry in a country in which it was before unknown, consists, as far as the instances apply, in the bounties, premiums, and other aids which are granted, in a variety of cases, by the nations in which the establishments to be imitated are previously introduced. It is well known (and particular examples in the course of this Report will be cited) that certain nations grant bounties on the exportation of particular commodities to enable their own workmen to undersell and supplant all competitors in the countries to which those commodities are sent. Hence the undertakers of a new manufacture have to contend, not only with the natural disadvantages of a new undertaking, but with the gratuities and remunerations which other Governments bestow. To be enabled to contend with success, it is evident that the interference and aid of their own Government are indispensable.

Combinations by those engaged in a particular branch of business in one country, to frustrate the first efforts to introduce it into another, by temporary sacrifices, recompensed perhaps by extraordinary indemnifications of the Government of such country, are believed to have existed, and are not to be regarded as destitute of probability.

The existence or assurance of aid from the Government of the country in which the business is to be introduced, may be essential to fortify adventurers against the dread of such combinations, to defeat their effects, if formed, and to prevent their being formed, by demonstrating that they must in the end prove fruitless.

Whatever room there may be for an expectation that the industry of a people, under the direction of private interest, will upon equal terms find out the most beneficial employment for itself, there is none for a reliance that it will struggle against the force of unequal terms, or will of itself surmount all the adventitious barriers to a successful competition, which may have been erected either by the advantages naturally acquired from practice and previous possession of the ground, or by those which may have sprung from positive regulations and an artificial policy. This general reflection might alone suffice as an answer to the objection under examination—exclusively of the weighty considerations which have been particularly urged.

The objections to the pursuit of manufactures in the United States which next present themselves to discussion, represent an impracticability of success, arising from three causes: scarcity of hands, dearness of labor, want of capital.

The two first circumstances are to a certain extent real, and, within due limits, ought to be admitted as obstacles to the success of manufacturing enterprise in the United States. But there are various considerations which lessen their force, and tend to afford an assurance that they are not sufficient to prevent the advantageous prosecution of many very useful and extensive manufactories.

With regard to scarcity of hands, the fact itself must be applied with no small qualification to certain parts of the United States. There are large districts, which may be considered as pretty fully peopled; and which, notwithstanding a continual drain for distant settlement, are thickly interspersed with flourishing and increasing towns. If these districts have not already reached the point at which the complaint of scarcity of hands ceases, they are not remote from it, and are approaching fast towards it; and, having perhaps fewer attractions to agriculture than some other parts of the Union, they exhibit a proportionably stronger tendency towards other kinds of industry. In these districts may be discerned no inconsiderable maturity for manufacturing establishments.

But there are circumstances which have been already noticed with another view, that materially diminish every where the effect of a scarcity of hands. These circumstances are the great use which can be made of women and children; on which point a very pregnant and instructive fact has been mentioned; the vast extension given by late improvements to the employment of machines, which, substituting the agency of fire and water, has prodigiously lessened the necessity for manual labor; the employment of persons ordinarily engaged in other occupations during the seasons, or hours of leisure, which, besides giving occasion to the exertion of a greater quantity of

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labor by the same number of persons, and thereby increasing the general stock of labor, as has been elsewhere remarked, may also be taken into the calculation as a resource for obviating the scarcity of hands; lastly, the attraction of foreign emigrants. Whoever inspects with a careful eye the composition of our towns, will be made sensible to what an extent this resource may be relied upon. This exhibits a large proportion of ingenious and valuable workmen, in different arts and trades, who by expatriating from Europe have improved their own condition, and added to the industry and wealth of the United States. It is a natural inference, from the experience we have already had, that, as soon as the United States shall present the countenance of a serious prosecution of manufactures, as soon as foreign artists shall be made sensible that the state of things here affords a moral certainty of employment and encouragement, competent numbers of European workmen will transplant themselves, effectually to insure the success of the design. How, indeed, can it otherwise happen, considering the various and powerful inducements which the situation of this country offers; addressing themselves to so many strong passions and feelings, to so many general and particular interests?

It may be affirmed, therefore, in respect to hands for carrying on manufactures, that we shall in a great measure trade upon a foreign stock—reserving our own for the cultivation of our lands, and the manning of our ships, as far as character and circumstances shall incline. It is not unworthy of remark, that the objection to the success of manufactures, deduced from the scarcity of hands, is alike applicable to trade and navigation, and yet these are perceived to flourish without any sensible impediment from that cause.

As to the dearness of labor, (another of the obstacles alleged,) this has relation principally to two circumstances; one, that which has been just discussed, or the scarcity of hands; the other, the greatness of profits.

As far as it is a consequence of the scarcity of hands, it is mitigated by all the considerations which have been adduced as lessening that deficiency. It is certain, too, that the disparity in this respect, between some of the most manufacturing parts of Europe and a large proportion of the United States, is not nearly so great as is commonly imagined. It is also much less in regard to artificers and manufacturers than in regard to country laborers; and, while a careful comparison shows that there is in this particular much exaggeration, it is also evident that the effect of the degree of disparity which does truly exist, is diminished in proportion to the use which can be made of machinery.

To illustrate this last idea, let it be supposed that the difference of price in two countries, of a given quantity of manual labor requisite to the fabrication of a given article is as ten, and that some mechanic power is introduced into both countries, which, performing half the necessary labor, leaves only half to be done by hand, it is evident that the difference in the cost of the fabri-

cation of the article in question in the two countries, as far as it is connected with the price of labor, will be reduced from ten to five, in consequence of the introduction of that power.

This circumstance is worthy of the most particular attention. It diminishes immensely one of the objections most strenuously urged against the success of manufactures in the United States.

To procure all such machines as are known in any part of Europe, can only require a proper provision and due pains. The knowledge of several of the most important of them is already possessed. The preparation of them here is, in most cases, practicable on nearly equal terms. As far as they depend on water, some superiority of advantages may be claimed, from the uncommon variety and greater cheapness of situations adapted to mill seats, with which different parts of the United States abound.

So far as the dearness of labor may be a consequence of the greatness of profits in any branch of business, it is no obstacle to its success. The undertaker can afford to pay the price.

There are grounds to conclude that undertakers of manufactures in this country can at this time afford to pay higher wages to the workmen they may employ than are paid to similar workmen in Europe. The prices of foreign fabrics in the markets of the United States, which will for a long time regulate the prices of domestic ones, may be considered as compounded of the following ingredients: the first cost of materials, including taxes, if any, which are paid upon them where they are made; the expense of grounds, buildings, machinery, and tools; the wages of the persons employed in the manufactory; the profits on the capital stock so employed; the commissions of agents to purchase them where they are made; the expense of transportation to the United States, including insurance and other incidental charges; the taxes or duties, if any, and fees of office which are paid on their exportation; the taxes or duties, and fees of office, which are paid on their importation.

As to the first of these items, the cost of materials, the advantage, upon the whole, is at present on the side of the United States, and the difference in their favor must increase in proportion as a certain and extensive domestic demand shall induce the proprietors of land to devote more of their attention to the production of those materials. It ought not to escape observation, in a comparison on this point, that some of the principal manufacturing countries of Europe are much more dependent on foreign supply for the materials of their manufactures, than would be the United States, who are capable of supplying themselves with a greater abundance as well as a greater variety of the requisite materials.

As to the second item, the expense of grounds, buildings, machinery, and tools, an equality at least may be assumed; since advantages in some particulars will counterbalance temporary disadvantages in others.

As to the third item, or the article of wages, the comparison certainly turns against the United

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States; though, as before observed, not in so great a degree as is commonly supposed.

The fourth item is alike applicable to the foreign and to the domestic manufacture. It is, indeed, more properly a result than a particular to be compared.

But, with respect to all the remaining items, they are alone applicable to the foreign manufacture, and in the strictest sense extraordinary; constituting a sum of extra charge on the foreign fabric, which cannot be estimated at less than from fifteen to thirty per cent. on the cost of it at the manufactory.

This sum of extra charge may confidently be regarded as more than a counterpoise for the real difference in the price of labor, and is a satisfactory proof that manufactures may prosper in defiance of it in the United States.

To the general allegation, connected with the circumstances of scarcity of hands and dearness of labor, that extensive manufactures can only grow out of a redundant or full population, it will be sufficient to answer, generally, that the fact has been otherwise; that the situation alleged to be an essential condition of success, has not been that of several nations, at periods when they had already attained to maturity in a variety of manufactures.

The supposed want of capital for the prosecution of manufactures in the United States, is the most indefinite of the objections which are usually opposed to it. It is very difficult to pronounce anything precise concerning the real extent of the moneyed capital of a country, and still more concerning the proportion which it bears to the objects that invite the employment of capital. It is not less difficult to pronounce how far the effect of any given quantity of money, as capital, or, in other words, as a medium for circulating the industry and property of a nation, may be increased by the very circumstance of the additional motion which is given to it by new objects of employment. That effect, like the momentum of descending bodies, may not improperly be represented as in a compound ratio to mass and velocity. It seems pretty certain, that a given sum of money, in a situation in which the quick impulses of commercial activity were little felt, would appear inadequate to the circulation of as great a quantity of industry and property, as in one in which their full influence was experienced.

It is not obvious, why the same objection might not as well be made to external commerce as to manufactures, since it is manifest that our immense tracts of land, occupied and unoccupied, are capable of giving employment to more capital than is actually bestowed upon them. It is certain that the United States offer a vast field for the advantageous employment of capital, but it does not follow that there will not be found, in one way or another, a sufficient fund for the successful prosecution of any species of industry which is likely to prove truly beneficial.

The following considerations are of a nature to remove all inquietude on the score of want of capital. The introduction of banks, as has been shown

on another occasion, has a powerful tendency to extend the active capital of a country. Experience of the utility of these institutions, is multiplying them in the United States. It is probable that they will be established wherever they can exist with advantage; and wherever they can be supported, if administered with prudence, they will add new energies to all pecuniary operations. The aid of foreign capital may safely, and with considerable latitude, be taken into calculation. Its instrumentality has been long experienced in our external commerce; and it has begun to be felt in various other modes. Not only our own funds, but our agriculture and other internal improvements, have been animated by it. It has already, in a few instances, extended even to our manufactures. It is a well known fact, that there are parts of Europe which have more capital than profitable domestic objects of employment. Hence, among other proofs, the large loans continually furnished to foreign States. And it is equally certain that the capital of other parts may find more profitable employment in the United States than at home. And notwithstanding there are weighty inducements to prefer the employment of capital at home, even at less profit, to an investment of it abroad, though with greater gain, yet these inducements are overruled, either by a deficiency of employment, or by a very material difference in profit. Both these causes operate to produce a transfer of foreign capital to the United States. It is certain that various objects in this country hold out advantages which are with difficulty to be equalled elsewhere; and under the increasingly favorable impressions which are entertained of our Government, the attractions will become more and more strong. These impressions will prove a rich mine of prosperity to the country, if they are confirmed and strengthened by the progress of our affairs. And to secure this advantage, little more is necessary than to foster industry, and cultivate order and tranquility, at home and abroad.

It is not impossible that there may be persons disposed to look with a jealous eye on the introduction of foreign capital, as if it were an instrument to deprive our citizens of the profits of our own industry; but, perhaps, there never could be a more unreasonable jealousy. Instead of being viewed as a rival, it ought to be considered as a most valuable auxiliary, conducing to put in motion a greater quantity of productive labor, and a greater portion of useful enterprise, than could exist without it. It is at least evident, that in a country situated like the United States, with an infinite fund of resources yet to be unfolded, every farthing of foreign capital which is laid out in internal ameliorations, and in industrious establishments of a permanent nature, is a precious acquisition. And whatever be the objects which originally attract foreign capital, when once introduced it may be directed towards any purpose of beneficial exertion which is desired. And to detain it among us, there can be no expedient so effectual as to enlarge the sphere within which it may be usefully employed: though introduced merely with views to speculations in the funds, it may after-

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wards be rendered subservient to the interests of agriculture, commerce, and manufactures.

But the attraction of foreign capital for the direct purpose of manufactures, ought not to be deemed a chimerical expectation. There are already examples of it, as remarked in another place; and the examples, if the disposition be cultivated, can hardly fail to multiply. There are, also, instances of another kind, which serve to strengthen the expectation; enterprises for improving the public communications, by cutting canals, opening the obstructions in rivers, and erecting bridges, have received very material aid from the same source.

When the manufacturing capitalist of Europe shall advert to the many important advantages which have been intimated in the course of this Report, he cannot but perceive very powerful inducements to a transfer of himself and his capital to the United States. Among the reflections, which a most interesting peculiarity of situation is calculated to suggest, it cannot escape his observation, as a circumstance of moment in the calculation, that the progressive population and improvement of the United States, insure a continually increasing domestic demand for the fabrics which he shall produce, not to be affected by any external casualties or vicissitudes.

But while there are circumstances sufficiently strong to authorize a considerable degree of reliance on the aid of foreign capital, towards the attainment of the object in view, it is satisfactory to have good grounds of assurance that there are domestic resources of themselves adequate to it. It happens that there is a species of capital, actually existing within the United States, which relieves from all inquietude on the score of want of capital—this is the Funded Debt.

The effect of a Funded Debt, as a species of capital, has been noticed upon a former occasion; but a more particular elucidation of the point seems to be required by the stress which is here laid upon it: this shall accordingly be attempted.

Public funds answer the purpose of capital from the estimation in which they are usually held by moneyed men, and consequently from the ease and despatch with which they can be turned into money. This capacity of prompt convertibility into money causes a transfer of stock to be in a great number of cases equivalent to a payment in coin; and where it does not happen to suit the party who is to receive, to accept a transfer of stock, the party who is to pay is never at a loss to find elsewhere a purchaser of his stock, who will furnish him in lieu of it with the coin of which he stands in need.

Hence in a sound and settled state of the public funds, a man possessed of a sum in them can embrace any scheme of business which offers with as much confidence as if he were possessed of an equal sum in coin.

This operation of public funds, as capital, is too obvious to be denied; but it is objected to the idea of their operating as an augmentation of the capital of the community that they serve to occasion the destruction of some other capital to an equal amount.

The capital which alone they can be supposed to destroy must consist of the annual revenue, which is applied to the payment of interest on the Debt, and to the gradual redemption of the principal. The amount of the coin, which is employed in circulating the funds, or, in other words, in effecting the different alienations which they undergo.

But the following appears to be the true and accurate view of this matter:

1. As to the point of the annual revenue requisite for the payment of interest and redemption of principal.

As a determinate proportion will tend to perspicuity in the reasoning, let it be supposed that the annual revenue to be applied corresponding with the modification of the six per cent. stock of the United States is in the ratio of eight upon the hundred; that is, in the first instance, six on account of interest, and two on account of principal.

Thus far it is evident that the capital destroyed to the capital created would bear no greater proportion than eight to one hundred. There would be withdrawn from the total mass of other capitals a sum of eight dollars to be paid to the public creditor, while he would be possessed of a sum of one hundred dollars, ready to be applied to any purpose, to be embarked in any enterprise which might appear to him eligible. Here, then, the augmentation of capital, or the excess of that which is produced beyond that which is destroyed, is equal to ninety-two dollars.

To this conclusion it may be objected, that the sum of eight dollars is to be withdrawn annually, until the whole hundred is extinguished; and it may be inferred that in process of time a capital will be destroyed equal to that which is at first created.

But it is nevertheless true that during the whole of the interval between the creation of the capital of one hundred dollars and its reduction to a sum not greater than that of the annual revenue appropriated to its redemption, there will be a greater active capital in existence than if no debt had been contracted. The sum drawn from other capitals in any one year will not exceed eight dollars; but there will be at every instant of time during the whole period in question a sum corresponding with so much of the principal as remains unredeemed in the hands of some person or other employed, or ready to be employed, in some profitable undertaking. There will therefore constantly be more capital in capacity to be employed than capital taken from employment. The excess for the first year has been stated to be ninety-two dollars; it will diminish yearly; but there always will be an excess until the principal of the Debt is brought to a level with the redeeming annuity; that is, in the case which has been assumed by way of example, to \$8. The reality of this excess becomes palpable, if it be supposed, as often happens, that the citizen of a foreign country imports into the United States \$100 for the purchase of an equal sum of Public Debt; here is an absolute augmentation of the mass of circulating coin to the extent of

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one hundred dollars. At the end of a year the foreigner is presumed to draw back eight dollars on account of his principal and interest, but he still leaves ninety-two of his original deposit in circulation, as he in like manner leaves eighty-four at the end of the second year, drawing back then also the annuity of eight dollars; and thus the matter proceeds; the capital left in circulation diminishing each year, and coming nearer to the level of the annuity drawn back. There are however some differences in the ultimate operation of the part of the Debt, which is purchased by foreigners, and that which remains in the hands of citizens. But the general effect in each case, though in different degrees, is to add to the active capital of the country.

Hitherto the reasoning has proceeded on a concession of the position, that there is a destruction of some other capital to the extent of the annuity appropriated to the payment of the interest and the redemption of the principal of the Debt; but in this too much has been conceded. There is at most a temporary transfer of some other capital, to the amount of the annuity, from those who pay, to the creditor who receives; which he again restores to the circulation to resume the offices of a capital. This he does either immediately by employing the money in some branch of industry, or immediately by lending it to some other person, who does so employ it, or by spending it on his own maintenance. In either supposition, there is no destruction of capital; there is nothing more than a suspension of its motion for a time; that is, while it is passing from the hands of those who pay into the public coffers and thence through the public creditor into some other channel of circulation. When the payments of interest are periodical and quick, and made by the instrumentality of banks, the diversion or suspension of capital may almost be denominated momentary. Hence the deduction on this account is far less than it at first sight appears to be.

There is evidently, as far as regards the annuity, no destruction or transfer of any other capital than that portion of the income of each individual, which goes to make up the annuity. The land which furnishes the farmer with the sum which he is to contribute remains the same; and the like may be observed of other capitals. Indeed, as far as the tax, which is the object of contribution (as frequently happens when it does not oppress by its weight) may have been a motive to greater exertion in any occupation; it may even serve to increase the contributory capital: this idea is not without importance in the general view of the subject.

It remains to see what further deduction ought to be made from the capital which is created by the existence of the Debt on account of the coin which is employed in its circulation. This is susceptible of much less precise calculation than the article which has been just discussed. It is impossible to say what proportion of coin is necessary to carry on the alienations which any species of property usually undergoes: the quantity, indeed, varies, according to circumstances. But it

may still, without hesitation, be pronounced, from the quickness of the rotation, or rather of the transitions that the medium of circulation, always bears but a small proportion to the amount of the property circulated. And it is thence satisfactorily deducible that the coin employed in the negotiations of the funds, and which serve to give them activity as capital, is incomparably less than the sum of the Debt negotiated for the purpose of business.

It ought not, however, to be omitted, that the negotiation of the funds becomes itself a distinct business, which employs, and by employing diverts a portion of the circulating coin from other pursuits; but, making due allowance for this circumstance, there is no reason to conclude that the effect of the diversion of coin in the whole operation bears any considerable proportion to the amount of the capital to which it gives activity. The sum of the Debt in circulation is continually at the command of any useful enterprise; the coin itself which circulates it is never more than momentarily suspended from its ordinary functions. It experiences an incessant and rapid flux and reflux to and from the channels of industry to those of speculations in the funds.

There are strong circumstances in confirmation of this theory. The force of moneyed capital which has been displayed in Great Britain, and the height to which every species of industry has grown up under it, defy a solution from the quantity of coin which that Kingdom has ever possessed. Accordingly it has been coeval with its Funding System, the prevailing opinion of the men of business, and of the generality of the most sagacious theorists of that country, that the operation of the public funds as capital has contributed to the effect in question. Among ourselves appearances thus far favor the same conclusion. Industry in general seems to have been reanimated. There are symptoms indicating an extension of our commerce. Our navigation has certainly of late had a considerable spring; and there appears to be in many parts of the Union a command of capital, which, till lately, since the Revolution at least, was unknown. But it is at the same time to be acknowledged that other circumstances have concurred, and in a great degree, in producing the present state of things, and that the appearances are not yet sufficiently decisive to be entirely relied upon.

In the question under discussion, it is important to distinguish between an absolute increase of capital, or an accession of real wealth and an artificial increase of capital, as an engine of business or as an instrument of industry and commerce. In the first sense, a Funded Debt has no pretensions to being deemed an increase of capital; in the last, it has pretensions which are not easy to be controverted. Of a similar nature is bank credit, and, in an inferior degree, every species of private credit.

But though a Funded Debt is not in the first instance an absolute increase of capital or an augmentation of real wealth, yet by serving as a new power in the operations of industry, it has, within

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certain bounds, a tendency to increase the real wealth of a community; in like manner as money borrowed by a thrifty farmer, to be laid out in the improvement of his farm may, in the end, add to his stock of real riches.

There are respectable individuals who, from a just aversion to an accumulation of Public Debt, are unwilling to concede to it any kind of utility, who can discern no good to alleviate the ill with which they suppose it pregnant, who cannot be persuaded that it ought in any sense to be viewed as an increase of capital, lest it should be inferred that the more debt the more capital—the greater the burdens the greater the blessings of the community.

But it interests the public councils to estimate every object as it truly is, to appreciate how far the good in any measure is compensated by the ill, or the ill by the good; either of them is seldom unmixed.

Neither will it follow that an accumulation of Debt is desirable, because a certain degree of it operates as capital. There may be a plethora in the political as in the natural body; there may be a state of things in which any such artificial capital is unnecessary. The Debt, too, may be swelled to such a size as that the greatest part of it may cease to be useful as a capital, serving only to pamper the dissipation of idle and dissolute individuals; as that the sums required to pay the interest upon it may become oppressive, and beyond the means which a Government can employ consistently with its tranquility to raise them; as that the resources of taxation to face the Debt may have been strained too far to admit of extensions adequate to exigencies which regard the public safety.

Where this critical point is, cannot be pronounced; but it is impossible to believe that there is not such a point.

And as the vicissitudes of nations beget a perpetual tendency to the accumulation of Debt, there ought to be in every Government a perpetual, anxious, and unceasing effort to reduce that, which at any time exists, as fast as shall be practicable, consistently with integrity and good faith.

Reasonings on a subject comprehending ideas so abstract and complex, so little reducible to precise calculation as those which enter into the question just discussed, are always attended with a danger of running into fallacies; due allowance ought therefore to be made for this possibility. But, as far as the nature of the subject admits of it, there appears to be satisfactory ground for a belief that the public funds operate as a resource of capital to the citizens of the United States, and if they are a resource at all, it is an extensive one.

To all the arguments which are brought to evince the impracticability of success in manufacturing establishments in the United States, it might have been a sufficient answer to have referred to the experience of what has been already done. It is certain that several important branches have grown up and flourished with a rapidity which

surprises, affording an encouraging assurance of success in future attempts; of these it may not be improper to enumerate the most considerable:

I. Of skins. Tanned and tawed leather, dressed skins, shoes, boots, and slippers; harness and saddlery of all kinds; portmanteaus and trunks; leather breeches, gloves, muffs, and tippets; parchment and glue.

II. Of iron. Bar and sheet iron, steel, nail rods, and nails; implements of husbandry; stoves, pots and other household utensils; the steel and iron work of carriages and for ship building; anchors, scale beams and weights, and various tools of artificers; arms of different kinds: though the manufacture of these last has of late diminished for want of demand.

III. Of wood. Ships, cabinet wares, and turnery; wool and cotton cards, and other machinery for manufactures and husbandry; mathematical instruments; coopers' wares of every kind.

IV. Of flax and hemp. Cables, sailcloth, cordage, twine, and packthread.

V. Bricks and coarse tiles, and potters' wares.

VI. Ardent spirits and malt liquors.

VII. Writing and printing paper, sheathing and wrapping paper, pasteboards, fullers or presspapers, paperhangings.

VIII. Hats of fur and wool and of mixtures of both. Women's stuff and silk shoes.

IX. Refined sugars.

X. Oils of animals and seeds; soap, spermaceti and tallow candles.

XI. Copper and brass wares, particularly utensils for distillers, sugar refiners, and brewers; andirons and other articles for household use; philosophical apparatus.

XII. Tin wares for most purposes of ordinary use.

XIII. Carriages of all kinds.

XIV. Snuff, chewing and smoking tobacco.

XV. Starch and hairpowder.

XVI. Lampblack, and other painters' colors.

XVII. Gunpowder.

Besides manufactories of these articles, which are carried on as regular trades, and have attained to a considerable degree of maturity, there is a vast scene of household manufacturing, which contributes more largely to the supply of the community than could be imagined without having made it an object of particular inquiry. This observation is the pleasing result of the investigation to which the subject of this Report has led, and is applicable as well to the Southern as to the Middle and Northern States. Great quantities of coarse cloths, coatings, serges, and flannels, linsey-woolseys, hosiery of wool, cotton, and thread, coarse fustians, jeans and muslins, checked and striped cotton and linen goods, bedticks, coverlets and counterpanes, tow linens, coarse shirtings, sheetings, toweling and table linen, and various mixtures of wool and cotton, and of cotton and flax, are made in the household way, and, in many instances, to an extent not only sufficient for the supply of the families in which they are made, but for sale, and even in some cases for exportation. It is computed, in a number of districts, that

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two-thirds, three-fourths, and even four-fifths of all the clothing of the inhabitants are made by themselves. The importance of so great a progress as appears to have been made in family manufactures, within a few years, both in a moral and political view, renders the fact highly interesting.

Neither does the above enumeration comprehend all the articles that are manufactured as regular trades. Many others occur, which are equally well established, but which not being of equal importance have been omitted. And there are many attempts, still in their infancy, which, though attended with very favorable appearances, could not have been properly comprised in an enumeration of manufactories already established. There are other articles, also, of great importance, which, though, strictly speaking, manufactures, are omitted, as being immediately connected with husbandry—such are flour, pot and pearl ash, pitch, tar, turpentine, and the like.

There remains to be noticed an objection to the encouragement of manufactures, of a nature different from those which question the probability of success. This is derived from its supposed tendency to give a monopoly of advantages to particular classes, at the expense of the rest of the community, who, it is affirmed, would be able to procure the requisite supplies of manufactured articles on better terms from foreigners than from our own citizens, and who, it is alleged, are reduced to a necessity of paying an enhanced price for whatever they want by every measure which obstructs the free competition of foreign commodities.

It is not an unreasonable supposition that measures which serve to abridge the free competition of foreign articles have a tendency to occasion an enhancement of prices, and it is not to be denied that such is the effect in a number of cases; but the fact does not uniformly correspond with the theory. A reduction of prices has, in several instances, immediately succeeded the establishment of a domestic manufacture. Whether it be that foreign manufacturers endeavor to supplant by underselling our own, or whatever else be the cause, the effect has been such as is stated, and the reverse of what might have been expected.

But though it were true that the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded, and accordingly seldom or never fails to be sold cheaper, in process of time, than was the foreign article for which it is a substitute. The internal competition which takes place soon does away every thing like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with

the reason of the thing and with experience. Whence it follows, that it is the interest of the community, with a view to eventual and permanent economy, to encourage the growth of manufactures. In a national view, a temporary enhancement of price must always be well compensated by a permanent reduction of it.

It is a reflection which may with propriety be indulged here, that this eventual diminution of the prices of manufactured articles, which is the result of internal manufacturing establishments, has a direct and very important tendency to benefit agriculture. It enables the farmer to procure with a smaller quantity of his labor the manufactured produce of which he stands in need, and consequently increases the value of his income and property.

The objections which are commonly made to the expediency of encouraging and to the probability of succeeding in manufacturing pursuits in the United States, having now been discussed, the considerations which have appeared in the course of the discussion, recommending that species of industry to the patronage of the Government, will be materially strengthened by a few general and some particular topics, which have been naturally reserved for subsequent notice.

1. There seems to be a moral certainty that the trade of a country which is both manufacturing and agricultural will be more lucrative and prosperous than that of a country which is merely agricultural. One reason for this is found in that general effort of nations (which has been already mentioned) to procure from their own soils the articles of prime necessity requisite to their own consumption and use, and which serves to render their demand for a foreign supply of such articles in a great degree occasional and contingent. Hence, while the necessities of nations exclusively devoted to agriculture for the fabrics of manufacturing States are constant and regular, the wants of the latter for the products of the former are liable to very considerable fluctuations and interruptions. The great inequalities resulting from difference of seasons have been elsewhere remarked. This uniformity of demand on the one side, and unsteadiness of it on the other, must necessarily have a tendency to cause the general course of the exchange of commodities between the parties to turn to the disadvantage of the merely agricultural States. Peculiarity of situation, a climate and soil adapted to the production of peculiar commodities, may sometimes contradict the rule; but there is every reason to believe that it will be found in the main a just one.

Another circumstance which gives a superiority of commercial advantages to States that manufacture as well as cultivate, consists in the more numerous attractions which a more diversified market offers to foreign customers, and in the greater scope which it affords to mercantile enterprise. It is a position of indisputable truth in commerce, depending, too, on very obvious reasons, that the greatest resort will ever be to those marts where commodities, while equally abundant, are most various. Each difference of kind holds out

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an additional inducement; and it is a position not less clear, that the field of enterprise must be enlarged to the merchants of a country in proportion to the variety as well as the abundance of commodities which they find at home for exportation to foreign markets.

A third circumstance, perhaps not inferior to either of the other two, conferring the superiority which has been stated, has relation to the stagnations of demand for certain commodities which at some time or other interfere more or less with the sale of all. The nation which can bring to market but few articles is likely to be more quickly and sensibly affected by such stagnations than one which is always possessed of a great variety of commodities. The former frequently finds too great a portion of its stock of materials for sale or exchange lying on hand, or is obliged to make injurious sacrifices to supply its wants of foreign articles, which are numerous and urgent in proportion to the smallness of the number of its own. The latter commonly finds itself indemnified by the high prices of some articles for the low prices of others; and the prompt and advantageous sale of those articles which are in demand enables its merchants the better to wait for a favorable change in respect to those which are not. There is ground to believe that a difference of situation in this particular has immensely different effects upon the wealth and prosperity of nations.

From these circumstances, collectively, two important inferences are to be drawn—one, that there is always a higher probability of a favorable balance of trade in regard to countries in which manufactures, founded on the basis of a thriving agriculture, flourish, than in regard to those which are confined wholly or almost wholly to agriculture; the other (which is also a consequence of the first) that countries of the former description are likely to possess more pecuniary wealth, or money, than those of the latter.

Facts appear to correspond with this conclusion. The importations of manufactured supplies seem invariably to drain the merely agricultural people of their wealth. Let the situation of the manufacturing countries of Europe be compared in this particular with that of countries which only cultivate, and the disparity will be striking. Other causes, it is true, help to account for this disparity between some of them, and, among these causes, the relative state of agriculture; but, between others of them, the most prominent circumstance of dissimilitude arises from the comparative state of manufactures. In corroboration of the same idea, it ought not to escape remark, that the West India Islands, the soils of which are the most fertile, and the nation which in the greatest degree supplies the rest of the world with precious metals, exchange to a loss with almost every other country. As far as experience at home may guide, it will lead to the same conclusion. Previous to the Revolution, the quantity of coin possessed by the Colonies which now compose the United States appeared to be inadequate to their circulation, and their debt to Great Britain was progressive. Since the Revolution, the States in which

manufactures have most increased have recovered safest from the injuries of the late war, and abound most in pecuniary resources.

It ought to be admitted, however, in this, as in the preceding case, that causes irrelative to the state of manufactures, account, in a degree, for the phenomena remarked. The continual progress of new settlements has a natural tendency to occasion an unfavorable balance of trade, though it indemnifies for the inconvenience by that increase of the national capital which flows from the conversion of waste into improved lands; and the different degrees of external commerce which are carried on by the different States may make material differences in the comparative state of their wealth. The first circumstance has reference to the deficiency of coin and the increase of debt previous to the Revolution; the last to the advantages which the most manufacturing States appear to have enjoyed over the others since the termination of the late war. But the uniform appearance of an abundance of specie, as the concomitant of a flourishing state of manufactures, and of the reverse, where they do not prevail, afford a strong presumption of their favorable operation upon the wealth of a country. Not only the wealth, but the independence and security of a country, appear to be materially connected with the prosperity of manufactures. Every nation, with a view to those great objects, ought to endeavor to possess within itself all the essentials of national supply. These comprise the means of subsistence, habitation, clothing, and defence. The possession of these is necessary to the perfection of the body politic, to the safety as well as to the welfare of the society. The want of either is the want of an important organ of political life and motion; and in the various crises which await a State it must severely feel the effects of such deficiency. The extreme embarrassments of the United States during the late war from an incapacity of supplying themselves, are still matter of keen recollection. A future war might be expected again to exemplify the mischiefs and dangers of a situation to which that incapacity is still in too great a degree applicable, unless changed by timely and vigorous exertions. To effect this change, as fast as shall be prudent, merits all the attention and all the zeal of our public councils. It is the next great work to be accomplished. The want of a Navy to protect our external commerce, as long as it shall continue, must render it a peculiarly precarious reliance for the supply of essential articles, and must serve to strengthen prodigiously the arguments in favor of manufactures.

To these general considerations are added some of a more particular nature. Our distance from Europe, the great fountain of manufactured supply, subjects us, in the existing state of things, to inconvenience and loss in two ways. The bulkiness of those commodities which are the chief productions of the soil, necessarily imposes very heavy charges on their transportation to distant markets. These charges, in the cases in which the nations to whom our products are sent, maintain a competition in the supply of their own mar-

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kets, principally fall upon us, and form material deductions from the primitive value of the articles furnished. The charges on manufactured supplies brought from Europe are greatly enhanced by the same circumstance of distance. These charges, again, in the cases in which our own industry maintains no competition in our own markets, also principally fall upon us, and are an additional cause of extraordinary deduction from the primitive value of our own products, these being the materials of exchange for the foreign fabrics which we consume.

The equality and moderation of individual property, and the growing settlements of new districts, occasion, in this country, an unusual demand for coarse manufactures—the charges of which, being greater in proportion to their greater bulk, augment the disadvantage which has been just described.

As in most countries, domestic supplies maintain a very considerable competition with such foreign productions of the soil as are imported for sale. If the extensive establishment of manufactories in the United States does not create a similar competition in respect to manufactured articles, it appears to be clearly deducible, from the considerations which have been mentioned, that they must sustain a double loss in their exchanges with foreign nations, strongly conducive to an unfavorable balance of trade, and very prejudicial to their interests. These disadvantages press with no small weight on the landed interest of the country. In seasons of peace, they cause a serious deduction from the intrinsic value of the products of the soil. In the time of a war, which should either involve ourselves or another nation possessing a considerable share of our carrying trade, the charges on the transportation of our commodities, bulky as most of them are, could hardly fail to prove a grievous burden to the farmer, while obliged to depend in so great a degree as he now does, upon foreign markets for the vent of the surplus of his labor. As far as the prosperity of the fisheries of the United States is impeded by the want of an adequate market, there arises another special reason for desiring the extension of manufactures. Besides the fish, which, in many places, would be likely to make a part of the subsistence of the persons employed, it is known that the oils, bones, and skins, of marine animals are of extensive use in various manufactures. Hence the prospect of an additional demand for the produce of the fisheries.

One more point of view only remains, in which to consider the expediency of encouraging manufactures in the United States. It is not uncommon to meet with an opinion, that though the promoting of manufactures may be the interest of a part of the Union, it is contrary to that of another part. The Northern and Southern regions are sometimes represented as having adverse interests in this respect. Those are called manufacturing, these agricultural States, and a species of opposition is imagined to subsist between the manufacturing and agricultural interests. This idea of an opposition between those two interests is the com-

mon error of the early periods of every country; but experience gradually dissipates it. Indeed, they are perceived so often to succor and to befriend each other, that they come at length to be considered as one—a supposition which has been frequently abused, and is not universally true. Particular encouragements of particular manufactures may be of a nature to sacrifice the interests of landholders to those of manufacturers; but it is nevertheless a maxim well established by experience, and generally acknowledged where there has been sufficient experience, that the “aggregate” prosperity of manufactures, and the “aggregate” prosperity of agriculture are intimately connected. In the course of the discussion which has had place, various weighty considerations have been adduced, operating in support of that maxim. Perhaps the superior steadiness of the demand of a domestic market for the surplus produce of the soil, is alone a convincing argument of its truth.

Ideas of a contrariety of interests between the Northern and Southern regions of the Union, are, in the main, as unfounded as they are mischievous. The diversity of circumstances on which such contrariety is usually predicated, authorizes a directly contrary conclusion. Mutual wants constitute one of the strongest links of political connexion, and the extent of these bears a natural proportion to the diversity in the means of mutual supply. Suggestions of an opposite complexion are ever to be deplored, as unfriendly to the steady pursuit of one great common cause, and to the perfect harmony of all the parts.

In proportion as the mind is accustomed to trace the intimate connexion of interest which subsists between all the parts of a society, united under the same Government, the infinite variety of channels which serve to circulate the prosperity of each to and through the rest, in that proportion it will be little apt to be disturbed by solicitudes and apprehensions which originate in local discriminations. It is a truth as important as it is agreeable, and one to which it is not easy to imagine exceptions, that everything tending to establish substantial and permanent order in the affairs of a country, to increase the total mass of industry and opulence, is ultimately beneficial to every part of it. On the credit of this great truth, an acquiescence may safely be accorded, from every quarter, to all institutions and arrangements which promise a confirmation of public order, and an augmentation of national resource.

But there are more particular considerations, which serve to fortify the idea that the encouragement of manufactures is the interest of all parts of the Union. If the Northern and Middle States should be the principal scenes of such establishments, they would immediately benefit the more Southern, by creating a demand for productions, some of which they have in common with the other States, and others of which are either peculiar to them, or more abundant, or of better quality than elsewhere. These productions, principally, are timber, flax, hemp, cotton, wool, raw silk, indigo, iron, lead, furs, hides, skins, and coals. Of these articles, cotton and indigo are peculiar to

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the Southern States, as are hitherto lead and coal. Flax and hemp are, or may be raised in greater abundance there, than in the more Northern States; and the wool of Virginia is said to be of better quality than that of any other State—a circumstance rendered the more probable by the reflection that Virginia embraces the same latitudes with the finest wool countries of Europe. The climate of the South is also better adapted to the production of silk. The extensive cultivation of cotton can perhaps hardly be expected, but from the previous establishment of domestic manufactories of the article; and the surest encouragement and vent for the others, would result from similar establishments in respect to them.

If, then, it satisfactorily appears, that it is the interest of the United States, generally, to encourage manufactures, it merits particular attention, that there are circumstances which render the present a critical moment for entering with zeal upon the important business. The effort cannot fail to be materially seconded by a considerable and increasing influx of money, in consequence of foreign speculations in the funds, and by the disorders which exist in different parts of Europe.

The first circumstance not only facilitates the execution of manufacturing enterprises, but it indicates them as a necessary mean to turn the thing itself to advantage, and to prevent its being eventually an evil. If useful employment be not found for the money of foreigners brought to the country to be invested in purchases of the Public Debt, it will quickly be re-exported to defray the expense of an extraordinary consumption of foreign luxuries; and distressing drains of our specie may hereafter be experienced to pay the interest, and redeem the principal of the purchased Debt. This useful employment, too, ought to be of a nature to produce solid and permanent improvements. If the money merely serves to give a temporary spring to foreign commerce, as it cannot procure new and lasting outlets for the products of the country, there will be no real or durable advantage gained. As far as it shall find its way in agricultural ameliorations, in opening canals, and in similar improvements, it will be productive of substantial utility. But there is reason to doubt whether, in such channels, it is likely to find sufficient employment, and still more whether many of those who possess it, would be as readily attracted to objects of this nature, as manufacturing pursuits, which bear greater analogy to those to which they are accustomed, and to the spirit generated by them. To open the one field as well as the other, will at least secure a better prospect of useful employment, for whatever accession of money there has been or may be.

There is at the present juncture a certain fermentation of mind, a certain activity of speculation and enterprise, which, if properly directed, may be made subservient to useful purposes, but which, if left entirely to itself, may be attended with pernicious effects.

The disturbed state of Europe inclining its citizens to emigration, the requisite workmen will be more easily acquired than at another time; and

the effect of multiplying the opportunities of employment to those who emigrate, may be an increase of the number and extent of valuable acquisitions to the population, arts, and industry of the country. To find pleasure in the calamities of other nations, would be criminal; but to benefit ourselves, by opening an asylum to those who suffer in consequence of them, is as justifiable as it is politic.

A full view having now been taken of the inducements to the promotion of manufactures in the United States, accompanied with an examination of the principal objections which are commonly urged in opposition, it is proper, in the next place, to consider the means by which it may be effected, as introductory to a specification of the objects which, in the present state of things, appear the most fit to be encouraged, and of the particular measures which it may be advisable to adopt, in respect to each.

In order to a better judgment of the means proper to be resorted to by the United States, it will be of use to advert to those which have been employed with success in other countries. The principal of these are—

I. Protecting duties, or duties on those foreign articles which are the rivals of the domestic ones intended to be encouraged. Duties of this nature evidently amount to a virtual bounty on the domestic fabrics, since, by enhancing the charges on foreign articles, they enable the national manufacturers to undersell all their foreign competitors. The propriety of this species of encouragement need not be dwelt upon, as it is not only a clear result from the numerous topics which have been suggested, but is sanctioned by the laws of the United States, in a variety of instances. It has the additional recommendation of being a resource of revenue. Indeed, all the duties imposed on imported articles, though with an exclusive view to revenue, have the effect in contemplation, and, except where they fall on raw materials, wear a beneficent aspect towards the manufactures of the country.

II. Prohibitions of rival articles, or duties equivalent to prohibitions. This is another and an efficacious mean of encouraging national manufactures, but in general it is only fit to be employed when a manufacture has made such a progress, and is in so many hands as to insure a due competition, and an adequate supply on reasonable terms. Of duties equivalent to prohibitions, there are examples in the laws of the United States, and there are other cases to which the principle may be advantageously extended, but they are not numerous. Considering a monopoly of the domestic market to its own manufacturers as the reigning policy of manufacturing nations, a similar policy on the part of the United States, in every proper instance, is dictated, it might almost be said, by the principles of distributive justice—certainly by the duty of endeavoring to secure to their own citizens a reciprocity of advantage.

III. Prohibitions of the exportation of the materials of manufactures. The desire of securing a cheap and plentiful supply for the national work-

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men, and, where the article is either peculiar to the country, or of peculiar quality there, the jealousy of enabling foreign workmen to rival those of the nation, with its own materials, are the leading motives to this species of regulation. It ought not to be affirmed, that it is in no instance proper; but it is certainly one which ought to be adopted with great circumspection, and only in very plain cases. It is seen at once, that its immediate operation is, to abridge the demand, and keep down the price of the produce of some other branch of industry—generally speaking, of agriculture—to the prejudice of those who carry it on; and though, if it be really essential to the prosperity of any very important national manufacture, it may happen that those who are injured in the first instance may be eventually indemnified by the superior steadiness of an extensive domestic market depending on that prosperity; yet, in a matter in which there is so much room for nice and difficult combinations, in which such opposite considerations combat each other, prudence seems to dictate that the expedient in question ought to be indulged with a sparing hand.

IV. Pecuniary bounties. This has been found one of the most efficacious means of encouraging manufactures, and it is in some views the best. Though it has not yet been practised upon by the Government of the United States, (unless the allowance on the exportation of dried and pickled fish and salted meat could be considered as a bounty,) and though it is less favored by public opinion than some other modes. Its advantages are these:

First. It is a species of encouragement more positive and direct than any other, and for that very reason, has a more immediate tendency to stimulate and uphold new enterprises, increasing the chances of profit, and diminishing the risks of loss in the first attempts.

Second. It avoids the inconvenience of a temporary augmentation of price, which is incident to some other modes, or it produces it to a less degree, either by making no addition to the charges on the rival foreign article, as in the case of protecting duties, or by making a smaller addition. The first happens when the fund for the bounty is derived from a different object, which may or may not increase the price of some other article, according to the nature of that object; the second, when the fund is derived from the same or a similar object of foreign manufacture. One per cent. duty on the foreign article converted into a bounty on the domestic, will have an equal effect with a duty of two per cent., exclusive of such bounty; and the price of the foreign commodity is liable to be raised in the one case in the proportion of one per cent.; in the other, in that of two per cent. Indeed, the bounty, when drawn from another source, is calculated to promote a reduction of price; because, without laying any new charge on the foreign article, it serves to introduce a competition with it, and to increase the total quantity of the article in the market.

Third. Bounties have not, like high protecting duties, a tendency to produce scarcity. An in-

crease of price is not always the immediate (though where the progress of a domestic manufacture does not counteract a rise, it is commonly the ultimate) effect of an additional duty. In the interval between the laying of the duty and a proportional increase of price, it may discourage importation, by interfering with the profits to be expected from the sale of the article.

Fourth. Bounties are sometimes not only the best, but the only proper expedient, for uniting the encouragement of a new object of agriculture with that of a new object of manufacture. It is the interest of the farmer to have the production of the raw material promoted, by counteracting the interference of the foreign material of the same kind. It is the interest of the manufacturer to have the material abundant and cheap. If, prior to the domestic production of the material in sufficient quantity to supply the manufacturer on good terms, a duty be laid upon the importation of it from abroad, with a view to promote the raising of it at home, the interest both of the farmer and manufacturer will be disserved, by either destroying the requisite supply, or raising the price of the article beyond what can be afforded to be given for it by the conductor of an infant manufacture, it is abandoned or fails; and, there being no domestic manufactories to create a demand for the raw material which is raised by the farmer, it is in vain that the competition of the like foreign article may have been destroyed.

It cannot escape notice, that a duty upon the importation of an article can no otherwise aid the domestic production of it, than by giving the latter greater advantages in the home market. It can have no influence upon the advantageous sale of the article produced, in foreign markets—no tendency, therefore, to promote its exportation.

The true way to conciliate these two interests is, to lay a duty on foreign manufactures of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty by way of bounty, either upon the production of the material itself, or upon its manufacture at home, or upon both. In this disposition of the thing, the manufacturer commences his enterprise under every advantage which is attainable, as to quantity or price of the raw material. And the farmer, if the bounty be immediately to him, is enabled by it to enter into a successful competition with the foreign material; if the bounty be to the manufacturer on so much of the domestic material as he consumes, the operation is nearly the same: he has a motive of interest to prefer the domestic commodity, if of equal quality, even at a higher price than the foreign, so long as the difference of price is anything short of the bounty which is allowed upon the article.

Except the simple and ordinary kinds of household manufacture, or those for which there are very commanding local advantages, pecuniary bounties are in most cases indispensable to the introduction of a new branch. A stimulus and a support not less powerful and direct is, generally speaking, essential to the overcoming of the obstacles which arise from the competitions of supe-

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rior skill and maturity elsewhere. Bounties are especially essential, in regard to articles upon which those foreigners who have been accustomed to supply a country, are in the practice of granting them.

The continuance of bounties on manufactures long established, must almost always be of questionable policy; because a presumption would arise in every such case, that there were natural and inherent impediments to success. But in new undertakings, they are as justifiable as they are oftentimes necessary. There is a degree of prejudice against bounties from an appearance of giving away the public money, without an immediate consideration, and from a supposition that they serve to enrich particular classes at the expense of the community. But neither of these sources of dislike will bear serious examination. There is no purpose to which public money can be more beneficially applied, than to the acquisition of a new and useful branch of industry—no consideration more valuable than a permanent addition to the general stock of productive labor.

As to the second source of objection, it equally lies against the other modes of encouragement which are admitted to be eligible. As often as a duty upon a foreign article makes an addition to its price, it causes an extra expense to the community, for the benefit of the domestic manufacturer. A bounty does no more. But it is the interest of the society, in each case, to submit to a temporary expense, which is more than compensated by an increase of industry and wealth, by an augmentation of resources and independence, and by the circumstance of eventual cheapness, which has been noticed in another place.

It would deserve attention, however, in the employment of this species of encouragement in the United States, as a reason for moderating the degree of it in the instances in which it might be deemed eligible, that the great distance of this country from Europe imposes very heavy charges on all the fabrics which are brought from thence, amounting from 15 to 30 per cent. on their value, according to their bulk.

A question has been made concerning the constitutional right of the Government of the United States to apply this species of encouragement, but there is certainly no good foundation for such a question. The National Legislature has express authority "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare," with no other qualifications than that "all duties, imposts, and excises, shall be uniform throughout the United States;" that no capitation or other direct tax shall be laid unless in proportion to numbers ascertained by a census or enumeration, taken on the principles prescribed in the Constitution, and that "no tax or duty shall be laid on articles exported from any State."

These three qualifications excepted, the power to raise money is plenary and indefinite; and the objects to which it may be appropriated are no less comprehensive, than the payment of the public debts, and the providing for the common defence

and general welfare. The terms "general welfare" were doubtless intended to signify more than was expressed or imported in those which preceded; otherwise, numerous exigencies, incident to the affairs of a nation, would have been left without a provision. The phrase is as comprehensive as any that could have been used; because it was not fit that the constitutional authority of the Union to appropriate its revenues, should have been restricted within narrower limits than the "general welfare;" and because this necessarily embraces a vast variety of particulars, which are susceptible neither of specification nor of definition. It is therefore, of necessity, left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper; and there seems to be no room for a doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce, are within the sphere of the National Councils, as far as regards an application of money.

The only qualification of the generality of the phrase in question, which seems to be admissible, is this: That the object to which an appropriation of money is to be made, be general, and not local; its operation extending, in fact or by possibility, throughout the Union, and not being confined to a particular spot.

No objection ought to arise to this construction from a supposition that it would imply a power to do whatever else should appear to Congress conducive to the general welfare. A power to appropriate money with this latitude, which is granted, too, in express terms, would not carry a power to do any other thing, not authorized in the Constitution, either expressly or by fair implication.

V. Premiums.

These are of a nature allied to bounties, though distinguishable from them in some important features.

Bounties are applicable to the whole quantity of an article produced, or manufactured, or exported, and involve a correspondent expense. Premiums serve to reward some particular excellence or superiority, some extraordinary exertion or skill, and are dispensed only in a small number of cases. But their effect is to stimulate general effort: contrived so as to be both honorary and lucrative, they address themselves to different passions, touching the chords as well of emulation as interest. They are accordingly a very economical mean of exciting the enterprise of a whole community.

There are various societies in different countries, whose object is the dispensation of premiums for the encouragement of agriculture, arts, manufactures, and commerce; and though they are, for the most part, voluntary associations, with comparatively slender funds, their utility has been immense. Much has been done by this mean in Great Britain. Scotland, in particular, owes materially to it a prodigious amelioration of condition. From a similar establishment in the United States, supplied and supported by the Government of the Union, vast benefits might reasonably be expected.

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Some further ideas on this head, shall accordingly be submitted, in the conclusion of this Report.

VI. The exemption of the materials of manufactures from duty.

The policy of that exemption as a general rule, particularly in reference to new establishments, is obvious. It can hardly ever be advisable to add the obstructions of fiscal burdens to the difficulties which naturally embarrass a new manufacture; and where it is matured, and in condition to become an object of revenue, it is, generally speaking, better that the fabric, than the material, should be the subject of taxation. Ideas of proportion between the quantum of the tax and the value of the article, can be more easily adjusted in the former than in the latter case. An argument for exemptions of this kind in the United States, is to be derived from the practice, as far as their necessities have permitted, of those nations whom we are to meet as competitors, in our own and in foreign markets.

There are, however, exceptions to it; of which some examples will be given under the next head.

The laws of the Union afford instances of the observance of the policy here recommended, but it will probably be found advisable to extend it to some other cases. Of a nature bearing some affinity to that policy is the regulation which exempts from duty the tools and implements, as well as the books, clothes, and household furniture, of foreign artists, who come to reside in the United States; an advantage already secured to them by the laws of the Union, and which it is, in every view, proper to continue.

VII. Drawbacks of the duties which are imposed on the materials of manufactures.

It has already been observed, as a general rule, that duties on those materials ought, with certain exceptions, to be forborne. Of these exceptions, three cases occur, which may serve as examples: One, where the material is itself an object of general or extensive consumption, and a fit and productive source of revenue. Another, where a manufacture of a simpler kind, the competition of which with a like domestic article is desired to be restrained, partakes of the nature of a raw material, from being capable, by a further process, to be converted into a manufacture of a different kind, the introduction or growth of which is desired to be encouraged. A third, where the material itself is a production of the country, and in sufficient abundance to furnish a cheap and plentiful supply to the national manufacturers.

Under the first description comes the article of molasses. It is not only a fair object of revenue, but being a sweet, it is just that the consumers of it should pay a duty as well as the consumers of sugar.

Cottons and linen, in their white state, fall under the second description; a duty upon such as are imported is proper, to promote the domestic manufacture of similar articles in the same state; a drawback of that duty is proper, to encourage the printing and staining at home of those which are brought from abroad. When the first of these

manufactures has attained sufficient maturity in a country to furnish a full supply for the second, the utility of the drawback ceases.

The article of hemp, either now does, or may be expected soon to exemplify the third case, in the United States.

Where duties on the materials of manufactures are not laid for the purpose of preventing a competition with some domestic production, the same reasons which recommend, as a general rule, the exemption of those materials from duties, would recommend as a like general rule, the allowance of drawbacks, in favor of the manufacturer. Accordingly, such drawbacks are familiar in countries which systematically pursue the business of manufactures; which furnishes an argument for the observance of a similar policy in the United States; and the idea has been adopted by the laws of the Union, in the instances of salt and molasses. It is believed that it will be found advantageous to extend it to some other articles.

VIII. The encouragement of new inventions and discoveries, at home, and of the introduction into the United States of such as may have been made in other countries, particularly those which relate to machinery.

This is among the most useful and unexceptionable of the aids which can be given to manufactures. The usual means of that encouragement are pecuniary rewards, and, for a time, exclusive privileges. The first must be employed according to the occasion and the utility of the invention or discovery. For the last, so far as respects "authors and inventors," provision has been made by law. But it is desirable, in regard to improvements and secrets of extraordinary value, to be able to extend the same benefit to introducers, as well as authors and inventors; a policy which has been practised with advantage in other countries. Here, however, as in some other cases, there is cause to regret that the competency of the authority of the National Government to the good which might be done, is not without a question: Many aids might be given to industry, many internal improvements of primary magnitude might be promoted, by an authority operating throughout the Union; which cannot be effected as well, if at all, by an authority confined within the limits of a single State.

But if the Legislature of the Union cannot do all the good that might be wished, it is at least desirable that all may be done which is practicable. Means for promoting the introduction of foreign improvements, though less efficaciously than might be accomplished with more adequate authority, will form a part of the plan intended to be submitted in the close of this Report.

It is customary with manufacturing nations to prohibit, under severe penalties, the exportation of implements and machines, which they have either invented or improved. There are already objects for a similar regulation in the United States, and others may be expected to occur from time to time. The adoption of it seems to be dictated by the principle of reciprocity. Greater liberality in such respects might better comport with the general

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spirit of the country; but a selfish and exclusive policy in other quarters will not always permit the free indulgence of a spirit which would place us on an unequal footing. As far as prohibitions tend to prevent foreign competitors from deriving the benefit of the improvements made at home, they tend to increase the advantages of those by whom they may have been introduced, and operate as an encouragement to exertion.

IX. Judicious regulations for the inspection of manufactured commodities.

This is not among the least important of the means by which the prosperity of manufactures may be promoted. It is indeed, in many cases, one of the most essential. Contributing to prevent frauds upon consumers at home, and exporters to foreign countries; to improve the quality and preserve the character of the national manufactures; it cannot fail to aid the expeditious and advantageous sale of them, and to serve as a guard against successful competition from other quarters. The reputation of the flour and lumber of some States, and of the potash of others, has been established by an attention to this point; and the like good name might be procured for those articles, wheresoever produced, by a judicious and uniform system of inspection throughout the ports of the United States. A like system might also be extended with advantage to other commodities.

X. The facilitating of pecuniary remittances from place to place—

Is a point of considerable moment to trade in general, and to manufactures in particular, by rendering more easy the purchase of raw materials and provisions, and the payment for manufactured supplies. A general circulation of bank paper—which is to be expected from the institution lately established—will be a most valuable mean to this end. But much good would accrue from some additional provisions respecting inland bills of exchange. If those drawn in one State, payable in another, were made negotiable everywhere, and interest and damages allowed in case of protest, it would greatly promote negotiations between the citizens of different States, by rendering them more secure, and with it the convenience and advantage of the merchants and manufacturers of each.

XI. The facilitating of the transportation of commodities.

Improvements favoring this object intimately concern all the domestic interests of a community; but they may, without impropriety, be mentioned as having an important relation to manufactures. There is, perhaps, scarcely anything which has been better calculated to assist the manufactures of Great Britain than the ameliorations of the public roads of that Kingdom, and the great progress which has been of late made in opening canals. Of the former, the United States stand much in need, for they present uncommon facilities.

The symptoms of attention to the improvement of inland navigation, which have lately appeared in some quarters, must fill with pleasure every breast warmed with a true zeal for the prosperity of the country. These examples, it is to be hoped,

will stimulate the exertions of the Government and citizens of every State. There can certainly be no object more worthy of the cares of the local administrations; and it were to be wished that there was no doubt of the power of the National Government to lend its direct aid, on a comprehensive plan. This is one of those improvements which could be prosecuted with more efficacy by the whole, than by any part or parts of the Union. There are cases in which the general interest will be in danger to be sacrificed to the collision of some supposed local interests. Jealousies, in matters of this kind, are as apt to exist, as they are apt to be erroneous.

The following remarks are sufficiently judicious and pertinent to deserve a literal quotation:

“Good roads, canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of a country more nearly upon a level with those in the neighborhood of the town. They are upon that account the greatest of all improvements. They encourage the cultivation of the remote, which must always be the most extensive circle of the country. They are advantages to the town, by breaking down the monopoly of the country in its neighborhood. They are advantages even to that part of the country. Though they introduce some rival commodities into the old market, they open many new markets to its produce. Monopoly, besides, is a great enemy to good management, which can never be universally established, but in consequence of that free and universal competition, which forces everybody to have recourse to it for the sake of self-defence. It is not more than fifty years ago that some of the counties in the neighborhood of London petitioned the Parliament against the extension of the turnpike roads into the remoter counties. Those remoter counties, they pretended, from the cheapness of labor, would be able to sell their grass and corn cheaper in the London market, than themselves, and they would thereby reduce their rents, and ruin their cultivation. Their rents, however, have risen, and their cultivation has been improved, since that time.”

Specimens of a spirit similar to that which governed the counties here spoken of, present themselves too frequently to the eye of an impartial observer, and render it a wish of patriotism that the body in this country, in whose councils a local or partial spirit is least likely to predominate, were at liberty to pursue and promote the general interest, in those instances in which there might be danger of the interference of such a spirit.

The foregoing are the principal of the means by which the growth of manufactures is ordinarily promoted. It is, however, not merely necessary that the measures of Government which have a direct view to manufactures, should be calculated to assist and protect them, but that those which only collaterally affect them, in the general course of the Administration, should be guarded from any peculiar tendency to injure them.

There are certain species of taxes which are apt to be oppressive to different parts of the community, and, among other ill effects, have a very unfriendly aspect towards manufactures. All poll or capitation taxes are of this nature. They either proceed according to a fixed rate, which operates unequally, and injuriously to the industrious poor;

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or they vest a discretion in certain officers, to make estimates and assessments which are necessarily vague, conjectural, and liable to abuse. They ought, therefore, to be abstained from, in all but cases of distressing emergency.

All such taxes (including all taxes on occupations) which proceed according to the amount of capital *supposed* to be employed in a business, or of profits *supposed* to be made in it, are unavoidably hurtful to industry. It is in vain that the evil may be endeavored to be mitigated, by leaving it, in the first instance, in the option of the party to be taxed, to declare the amount of his capital or profits.

Men engaged in any trade or business have commonly weighty reasons to avoid disclosures, which would expose, with anything like accuracy, the real state of their affairs. They most frequently find it better to risk oppression, than to avail themselves of so inconvenient a refuge; and the consequence is, that they often suffer oppression.

When the disclosure, too, if made, is not definitive, but controllable by the discretion, or, in other words, by the passions and prejudices of the revenue officers, it is not only an ineffectual protection, but the possibility of its being so is an additional reason for not resorting to it.

Allowing to the public officers the most equitable dispositions, yet where they are to exercise a discretion without certain data, they cannot fail to be often misled by appearances. The quantity of business which seems to be going on, is, in a vast number of cases, a very deceitful criterion of the profits which are made; yet it is, perhaps, the best they can have, and it is the one on which they will most naturally rely. A business, therefore, which may rather require aid from the Government than be in a capacity to be contributory to it, may find itself crushed by the mistaken conjectures of the assessors of taxes.

Arbitrary taxes—under which denomination are comprised all those that leave the *quantum* of the tax to be raised on each person to the *discretion* of certain officers—are as contrary to the genius of liberty, as to the maxims of industry. In this light they have been viewed by the most judicious observers on Government, who have bestowed upon them the severest epithets of reprobation, as constituting one of the worst features usually to be met with in the practice of despotic governments. It is certain, at least, that such taxes are particularly inimical to the success of manufacturing industry, and ought carefully to be avoided by a government which desires to promote it.

The great copiousness of the subject of this Report, has insensibly led to a more lengthy preliminary discussion, than was originally contemplated or intended. It appeared proper to investigate principles, to consider objections, and to endeavor to establish the utility of the thing proposed to be encouraged, previous to a specification of the objects which might occur, as meriting or requiring encouragement, and of the measures which might be proper in respect to each. The first purpose having been fulfilled, it remains to pursue the second.

In the selection of objects, five circumstances seem entitled to particular attention: The capacity of the country to furnish the raw material—the degree in which the nature of the manufacture admits of a substitute for manual labor in machinery—the facility of execution—the extensiveness of the uses to which the article can be applied—its subserviency to other interests, particularly the great one of the national defence. There are, however, objects to which these circumstances are little applicable, which, for some special reasons, may have a claim to encouragement.

A designation of the principal raw material of which each manufacture is composed, will serve to introduce the remarks upon it; as, in the first place,

IRON.—The manufactures of this article are entitled to pre-eminent rank. None are more essential in their kinds, nor so extensive in their uses. They constitute, in whole or in part, the implements or the materials, or both, of almost every useful occupation. Their instrumentality is everywhere conspicuous.

It is fortunate for the United States that they have peculiar advantages for deriving the full benefit of this most valuable material, and they have every motive to improve it, with systematic care. It is to be found in various parts of the United States, in great abundance and of almost every quality; and fuel, the chief instrument in manufacturing it, is both cheap and plenty. This particularly applies to charcoal; but there are productive coal mines already in operation, and strong indications, that the material is to be found in abundance, in a variety of other places.

The inquiries to which the subject of this Report has led, have been answered with proofs that manufactories of iron, though generally understood to be extensive, are far more so than is commonly supposed. The kinds in which the greatest progress has been made, have been mentioned in another place, and need not be repeated; but there is little doubt that every other kind, with due cultivation, will rapidly succeed. It is worthy of remark, that several of the particular trades, of which it is the basis, are capable of being carried on without the aid of large capitals.

Iron works have greatly increased in the United States, and are prosecuted with much more advantage than formerly. The average price before the Revolution, was about sixty-four dollars per ton; at present it is about eighty; a rise which is chiefly to be attributed to the increase of manufactories of the material.

The still further extension and multiplication of such manufactories will have the double effect of promoting the extraction of the metal itself, and of converting it to a greater number of profitable purposes.

Those manufactures, too, unite in a greater degree, than almost any others, the several requisites, which have been mentioned, as proper to be consulted in the selection of objects.

The only further encouragement of manufactories of this article, the propriety of which may be considered as unquestionable, seems to be an

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increase of the duties on foreign rival commodities.

Steel is a branch which has already made a considerable progress, and it is ascertained that some new enterprises, on a more extensive scale, have been lately set on foot. The facility of carrying it to an extent which will supply all internal demands, and furnish a considerable surplus for exportation, cannot be doubted. The duty upon the importation of this article, which is at present seventy-five cents per cwt., may, it is conceived, be safely and advantageously extended to one hundred cents. It is desirable, by decisive arrangements, to second the efforts which are making in so very valuable a branch.

The United States already, in a great measure, supply themselves with nails and spikes. They are able, and ought certainly, to do it entirely. The first and most laborious operation in this manufacture, is performed by water-mills; and of the persons afterwards employed, a great proportion are boys, whose early habits of industry are of importance to the community, to the present support of their families, and to their own future comfort. It is not less curious than true, that, in certain parts of the country, the making of nails is an occasional family manufacture.

The expediency of an additional duty on these articles is indicated by an important fact. About 1,800,000 pounds of them were imported into the United States in the course of a year, ending the 30th of September, 1790. A duty of two cents per pound would, it is presumable, speedily put an end to so considerable an importation. And it is in every view proper that an end should be put to it.

The manufacture of these articles, like that of some others, suffers from the carelessness and dishonesty of a part of those who carry it on. An inspection in certain cases might tend to correct the evil. It will deserve consideration whether a regulation of this sort cannot be applied, without inconvenience, to the exportation of the articles either to foreign countries, or from one State to another.

The implements of husbandry are made in several States in great abundance. In many places it is done by the common blacksmiths. And there is no doubt that an ample supply for the whole country can with great ease be procured among ourselves.

Various kinds of edged tools for the use of mechanics are also made, and a considerable quantity of hollow wares; though the business of castings has not yet attained the perfection which might be wished. It is however improving, and as there are respectable capitals in good hands, embarked in the prosecution of those branches of iron manufactories, which are yet in their infancy, they may all be contemplated as objects not difficult to be acquired.

To insure the end it seems equally safe and prudent to extend the duty ad valorem upon all manufactures of iron, of which iron is the article of chief value, to ten per cent.

Fire arms and other military weapons may, it is

conceived, be placed without inconvenience in the class of articles rated at fifteen per cent. There exist already manufactories of these articles, which only require the stimulus of a certain demand to render them adequate to the supply of the United States.

It would also be a material aid to manufactories of this nature, as well as a mean of public security if provision should be made for an annual purchase of military weapons, of home manufacture to a certain determined extent, in order to the formation of arsenals; and to replace from time to time such as should be withdrawn for use, so as always to have in store the quantity of each kind, which should be deemed a competent supply.

But it may hereafter deserve Legislative consideration, whether manufactories of all the necessary weapons of war ought not to be established on account of Government itself. Such establishments are agreeable to the usual practice of nations, and that practice seems founded on sufficient reason.

There appears to be an improvidence, in leaving these essential instruments of national defence to the casual speculations of individual adventure; a resource which can less be relied upon, in this case than in most others; the articles in question not being objects of ordinary and indispensable private consumption or use. As a general rule, manufactories on the immediate account of Government are to be avoided; but this seems to be one of the few exceptions, which that rule admits, depending on very special reasons.

Manufactures of steel, generally, or of which steel is the article of chief value, may with advantage be placed in the class of goods rated at seven and an half per cent. As manufactures of this kind have not yet made any considerable progress, it is a reason for not rating them as high as those of iron; but as this material is the basis of them, and as their extension is not less practicable, than important, it is desirable to promote it by a somewhat higher duty than the present.

A question arises, how far it might be expedient to permit the importation of iron in pigs and bars free from duty? It would certainly be favorable to manufacturers of the article; but the doubt is whether it might not interfere with its production.

Two circumstances, however, abate if they do not remove apprehension, on this score, one is the considerable increase of price, which has been already remarked, and which renders it probable that the free admission of foreign iron would not be inconsistent with an adequate profit to the proprietors of iron works; the other is, the augmentation of demand, which would be likely to attend the increase of manufactures of the article, in consequence of the additional encouragements proposed to be given. But caution, nevertheless, in a matter of this kind is most advisable. The measure suggested ought perhaps rather to be contemplated, subject to the lights of further experience, than immediately adopted.

COPPER.—The manufactures of which this article is susceptible are also of great extent and utility. Under this description, those of brass, of

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which it is the principal ingredient, are intended to be included.

The material is a natural production of the country. Mines of copper have actually been wrought, and with a profit to the undertakers, though it is not known, that any are now in this condition. And nothing is easier, than the introduction of it, from other countries, on moderate terms, and in great plenty.

Coppersmiths and brass founders, particularly the former, are numerous in the United States; some of whom carry on business to a respectable extent.

To multiply and extend manufactories, of the materials in question is worthy of attention and effort. In order to this, it is desirable to facilitate a plentiful supply of the materials. And a proper mean to this end is to place them in the class of free articles. Copper in plates and brass are already in this predicament; but copper in bars and pigs is not; neither is *lapis caliminaris*, which together with copper and charcoal, constitute the component ingredients of brass. The exemption from duty by parity of reason, ought to embrace all such of these articles, as are objects of importation.

An additional duty on brass wares, will tend to the general end in view. These now stand at five per cent., while those of tin, pewter, and copper, are rated at seven and an half. There appears to be a propriety in every view in placing brass wares upon the same level with them; and it merits consideration whether the duty upon all of them ought not to be raised to ten per cent.

LEAD.—There are numerous proofs, that this material abounds in the United States, and requires little to unfold it to an extent, more than equal to every domestic occasion. A prolific mine of it has long been open in the Southwestern parts of Virginia, and under a public administration, during the late war, yielded a considerable supply for military use. This is now in the hands of individuals, who not only carry it on with spirit, but have established manufactories of it, at Richmond, in the same State.

The duties already laid upon the importation of this article, either in its unmanufactured, or manufactured state, insure it a decisive advantage in the home market—which amounts to considerable encouragement. If the duty on pewter wares should be raised, it would afford a further encouragement. Nothing else occurs proper to be added.

FOSIL COAL.—This as an important instrument of manufactures, may, without impropriety, be mentioned among the subjects of this Report.

A copious supply of it would be of great consequence to the iron branch. As an article of household fuel, also, it is an interesting production; the utility of which must increase in proportion to the decrease of wood, by the progress of settlement and cultivation. And its importance to navigation, as an immense article of transportation coastwise, is signally exemplified in Great Britain.

It is known, that there are several coal mines in Virginia, now worked, and appearances of their existence are familiar in a number of places.

The expediency of a bounty on all this species

of coal of home production, and of premiums on the opening of new mines, under certain qualifications, appears to be worthy of particular examination. The great importance of the article will amply justify a reasonable expense in this way, if it shall appear to be necessary to, and shall be thought likely to answer the end.

WOOD.—Several manufactures of this article flourish in the United States. Ships are no where built in greater perfection, and cabinet wares, generally, are made little if at all inferior to those of Europe. Their extent is such as to have admitted of considerable exportation.

An exemption from duty of the several kinds of wood ordinarily used in these manufactures seems to be all that is requisite, by way of encouragement. It is recommended by the consideration of a similar policy being pursued in other countries, and by the expediency of giving equal advantages to our own workmen in wood. The abundance of timber proper for ship building in the United States does not appear to be any objection to it. The increasing scarcity and growing importance of that article in the European countries, admonish the United States to commence, and systematically to pursue measures for the preservation of their stock. Whatever may promote the regular establishment of magazines of ship timber, is in various views desirable.

SKINS.—There are scarcely any manufactories of greater importance than of this article. Their direct and very happy influence upon agriculture, by promoting the raising of cattle of different kinds, is a very material recommendation.

It is pleasing, too, to observe the extensive progress they have made in their principal branches; which are so far matured as almost to defy foreign competition. Tanneries in particular are not only carried on as a regular business in numerous instances and in various parts of the country, but they constitute in some places a valuable item of incidental family manufactures.

Representations, however, have been made importing the expediency of further encouragement to the leather branch in two ways; one by increasing the duty on the manufactures of it, which are imported, the other by prohibiting the exportation of bark. In support of the latter it is alleged that the price of bark, chiefly, in consequence of large exportations, has risen within a few years from about three dollars to four dollars and a half per cord.

These suggestions are submitted rather as intimations, which merit consideration, than as matters, the propriety of which is manifest. It is not clear, that an increase of duty is necessary; and in regard to the prohibition desired, there is no evidence of any considerable exportation hitherto; and it is most probable that whatever augmentation of price may have taken place, is to be attributed to an extension of the home demand from increase of manufactures, and to a decrease of the supply in consequence of the progress of settlement, rather than to the quantities which have been exported.

It is mentioned, however, as an additional rea-

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son for the prohibition, that one species of the bark usually exported is in some sort peculiar to the country, and the material of a very valuable dye, of great use in some other manufactures, in which the United States have begun a competition.

There may also be this argument in favor of an increase of duty. The object is of importance enough to claim decisive encouragement, and the progress which has been made, leaves no room to apprehend any inconvenience on the score of supply from such an increase.

It would be of benefit to this branch, if glue which is now rated at five per cent. were made the object of an excluding duty. It is already made in large quantities at various tanneries; and, like paper, is an entire economy of material, which, if not manufactured, would be left to perish. It may be placed with advantage in the class of articles paying fifteen per cent.

GRAIN.—Manufactures of the several species of this article have a title to peculiar favor; not only because they are most of them immediately connected with the subsistence of the citizens, but because they enlarge the demand for the most precious products of the soil.

Though flour may, with propriety, be noticed as a manufacture of grain, it were useless to do it, but for the purpose of submitting the expediency of a general system of inspection throughout the ports of the United States; which, if established upon proper principles, would be likely to improve the quality of our flour everywhere, and to raise its reputation in foreign markets. There are, however, considerations which stand in the way of such an arrangement. Ardent spirits and malt liquors are, next to flour, the two principal manufactures of grain. The first has made a very extensive, the last a considerable progress, in the United States. In respect to both, an exclusive possession of the home market ought to be secured to the domestic manufacturers as fast as circumstances will admit. Nothing is more practicable, and nothing more desirable. The existing laws of the United States have done much toward attaining this valuable object; but some additions to the present duties on foreign distilled spirits and foreign malt liquors, and perhaps an abatement of those on home-made spirits, would more effectually secure it; and there does not occur any very weighty objection to either. An augmentation of the duties on imported spirits would favor as well the distillation of spirits from molasses as that of grain. And to secure to the nation the benefit of a manufacture, even of foreign materials, is always of great, though perhaps of secondary importance. A strong impression prevails in the minds of those concerned in distilleries (including, too, the most candid and enlightened) that greater differences in the rates of duty on foreign and domestic spirits are necessary completely to secure the successful manufacture of the latter; and there are facts which entitle this impression to attention. It is known that the price of molasses, for some years past, has been successively rising in the West India markets, owing, partly, to a competition which did not formerly exist,

and partly to an extension of demand in this country; and it is evident that the late disturbances in those islands from which we draw our principal supply must so far interfere with the production of the article as to occasion a material enhancement of price. The destruction and devastation attendant on the insurrection in Hispaniola, in particular, must not only contribute very much to that effect, but may be expected to give it some duration. These circumstances, and the duty of three cents per gallon on molasses, may render it difficult for the distillers of that material to maintain with adequate profit, a competition with the rum brought from the West Indies, the quality of which is so considerably superior. The consumption of Geneva, or gin, in this country, is extensive. It is not long since distilleries of it have grown up among us to any importance. They are now becoming of consequence, but being still in their infancy, they require protection. It is represented that the price of some of the materials is greater here than in Holland, from which place large quantities are brought; the price of labor considerably greater; the capitals engaged in the business there much larger than those which are employed here; the rate of profits at which the undertakers can afford to carry it on much less; the prejudices in favor of imported gin, strong. These circumstances are alleged to outweigh the charges which attend the bringing of the article from Europe to the United States and the present difference of duty, so as to obstruct the prosecution of the manufacture with due advantage. Experiment could, perhaps, alone decide with certainty the justness of the suggestions which are made; but, in relation to branches of manufacture so important, it would seem inexpedient to hazard an unfavorable issue, and better to err on the side of too great, than of too small a difference, in the particular in question. It is, therefore, submitted that an addition of two cents per gallon be made to the duty on imported spirits of the first class of proof, with a proportionable increase on those of higher proof, and that a deduction of one cent per gallon be made from the duty on spirits distilled within the United States, beginning with the first class of proof, and a proportionable deduction from the duty on those of higher proof. It is ascertained that by far the greatest part of the malt liquors consumed in the United States are the produce of domestic breweries. It is desirable, and, in all likelihood, attainable, that the whole consumption should be supplied by ourselves. The malt liquors made at home, though inferior to the best, are equal to a great part of those which have been usually imported. The progress already made is an earnest of what may be accomplished. The growing competition is an assurance of improvement. This will be accelerated by measures tending to invite a greater capital into this channel of employment. To render the encouragement of domestic breweries decisive, it may be advisable to substitute to the present rates of duty eight cents per gallon generally; and it will deserve to be considered, as a guard against invasions, whether

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there ought not to be a prohibition of their importation, except in casks of considerable capacity. It is to be hoped that such a duty would banish from the market foreign malt liquors of inferior quality, and that the best kind only would continue to be imported, till it should be supplanted by the efforts of equal skill or care at home. Till that period the importation so qualified would be an useful stimulus to improvement; and, in the meantime, the payment of the increased price, for the enjoyment of a luxury, in order to the encouragement of a most useful branch of domestic industry, could not reasonably be deemed a hardship. As a further aid to manufactures of grain, though upon a smaller scale, the articles of starch, hair powder, and wafers, may with great propriety be placed among those which are rated at fifteen per cent. No manufactures are more simple, nor more completely within the reach of a full supply from domestic sources; and it is a policy, as common as it is obvious, to make them the objects either of prohibitory duties or of express prohibition.

FLAX AND HEMP.—Manufactures of these articles have so much affinity to each other, and they are so often blended, that they may with advantage be considered in conjunction. The importance of the linen branch to agriculture, its precious effects upon household industry, the ease with which the materials can be produced at home to any requisite extent, the great advances which have been already made in the coarser fabrics of them, especially in the family way, constitute claims of peculiar force to the patronage of Government. This patronage may be afforded in various ways, by promoting the growth of the materials, by increasing the impediments to an advantageous competition of rival foreign articles, by direct bounties or premiums upon the home manufacture. First, as to promoting the growth of the materials. In respect to hemp, something has been already done by the high duty upon foreign hemp. If the facilities for domestic production were not unusually great, the policy of the duty on the foreign raw material would be highly questionable, as interfering with the growth of manufactures of it. But, making the proper allowances for those facilities, and with an eye to the future and natural progress of the country, the measure does not appear, upon the whole, exceptionable. A strong wish naturally suggests itself that some method could be devised of affording a more direct encouragement to the growth both of flax and hemp, such as would be effectual, and at the same time not attended with too great inconveniences. To this end bounties and premiums offer themselves to consideration; but no modification of them has yet occurred which would not either hazard too much expense or operate unequally in reference to the circumstances of different parts of the Union, and which would not be attended with very great difficulties in the execution. Secondly, as to increasing the impediments to an advantageous competition of rival foreign articles. To this purpose an augmentation of the duties on importation is the obvious expedient; which, in regard to certain arti-

cles, appears to be recommended by sufficient reasons. The principal of these articles is sail cloth, one intimately connected with navigation and defence, and of which a flourishing manufactory is established at Boston, and very promising ones at several other places. It is presumed to be both safe and advisable to place this in the class of articles rated at ten per cent. A strong reason for it results from the consideration that a bounty of two pence sterling per ell is allowed in Great Britain upon the exportation of the sail cloth manufactured in that Kingdom. It would likewise appear to be good policy to raise the duty to seven and a half per cent. on the following articles: drillings, osnaburgs, ticklenburgs, dowlas, canvas, brown rolls, bagging, and upon all other linens the first cost of which at the place of exportation does not exceed thirty-five cents per yard. A bounty of twelve and a half per cent., upon an average, on the exportation of such or similar linens from Great Britain encourages the manufacture of them in that country, and increases the obstacles to a successful competition in the countries to which they are sent. The quantities of tow and other household linens manufactured in different parts of the United States, and the expectations which are derived from some late experiments of being able to extend the use of labor-saving machines in the coarser fabrics of linen, obviate the danger of inconvenience from an increase of the duty upon such articles, and authorize a hope of speedy and complete success to the endeavors which may be used for procuring an internal supply. Thirdly, as to direct bounties or premiums upon the manufactured articles. To afford more effectual encouragement to the manufacture, and at the same time to promote the cheapness of the article, for the benefit of navigation, it will be of great use to allow a bounty of two cents per yard on all sail cloth which is made in the United States from materials of their own growth. This would also assist the culture of those materials: An encouragement of this kind, if adopted, ought to be established for a moderate term of years, to invite to new undertakings, and to an extension of the old. This is an article of importance enough to warrant the employment of extraordinary means in its favor.

COTTON.—There is something in the texture of this material which adapts it, in a peculiar degree, to the application of machines. The signal utility of the mill for spinning of cotton, not long since invented in England, has been noticed in another place; but there are other machines scarcely inferior in utility, which, in the different manufactories of this article, are employed either exclusively or with more than ordinary effect. This very important circumstance recommends the fabrics of cotton, in a more particular manner, to a country in which a defect of hands constitutes the greatest obstacle to success. The variety and extent of the uses to which the manufactures of this article are applicable is another powerful argument in their favor. And the faculty of the United States to produce the raw material in abundance, and of a quality which, though alleged

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to be inferior to some that is produced in other quarters, is, nevertheless, capable of being used with advantage in many fabrics, and is probably susceptible of being carried, by a more experienced culture, to much greater perfection, suggests an additional and a very cogent inducement to the vigorous pursuit of the cotton branch in its several subdivisions. How much has been already done has been stated in a preceding part of this Report. In addition to this, it may be announced that a society is forming with a capital which is expected to be extended to at least half a million of dollars; on behalf of which measures are already in train for prosecuting, on a large scale, the making and printing of cotton goods. These circumstances conspire to indicate the expediency of removing any obstructions which may happen to exist to the advantageous prosecution of the manufactories in question, and of adding such encouragements as may appear necessary and proper. The present duty of three cents per pound on the foreign raw material is undoubtedly a very serious impediment to the progress of those manufactories. The injurious tendency of similar duties, either prior to the establishment, or in the infancy of the domestic manufacture of the article, as it regards the manufacture, and their worse than inutility, in relation to the home production of the material itself, have been anticipated, particularly in discussing the subject of pecuniary bounties. Cotton has not the same pretensions with hemp to form an exception to the general rule. Not being, like hemp, an universal production of the country, it affords less assurance of an adequate internal supply; but the chief object arises from the doubts which are entertained concerning the quality of the national cotton. It is alleged, that the fibre of it is considerably shorter and weaker than that of some other places; and it has been observed, as a general rule, that the nearer the place of growth to the Equator, the better the quality of the cotton. That which comes from Cayenne, Surinam, and Demerara, is said to be preferable, even at a material difference of price, to the cotton of the islands.

While a hope may reasonably be indulged, that with due care and attention, the national cotton may be made to approach nearer than it now does to that of regions somewhat more favored by climate; and, while facts authorize an opinion that very great use may be made of it, and that it is a resource which gives greater security to the cotton fabrics of this country than can be enjoyed by any which depend wholly on external supply, it will certainly be wise, in every view, to let our infant manufactures have the full benefit of the best materials on the cheapest terms. It is obvious that the necessity of having such materials is proportioned to the unskillfulness and inexperience of the workmen employed, who, if inexpert, will not fail to commit great waste where the materials they are to work with are of an indifferent kind. To secure to the national manufacturers so essential an advantage, a repeal of the present duty on imported cotton is indispensable. A substitute for this, far more encouraging to domestic pro-

duction, will also grant a bounty on the national cotton, when wrought at a home manufactory; to which a bounty on the exportation of it may be added; but either or both would do much more towards promoting the growth of the article than the merely nominal encouragement which it is proposed to abolish. The first would also have a direct influence in encouraging the manufacturer. The bounty which has been mentioned as existing in Great Britain upon the exportation of coarse linens not exceeding a certain value, applies also to certain descriptions of cotton goods of similar value. This furnishes an additional argument for allowing to the national manufacturers the species of encouragement just suggested, and, indeed, for adding some other aid. One cent per yard, not less than of a given width, on all goods of cotton, or of cotton and linen mixed, which are manufactured in the United States, with the addition of one cent per pound weight of the material, if made of national cotton, would amount to an aid of considerable importance both to the production and to the manufacture of that valuable article. And it is conceived that the expense would be well justified by the magnitude of the object. The printing and staining of cotton goods is known to be a distinct business from the fabrication of them. It is one easily accomplished, and which, as it adds materially to the value of the article in its white state, and prepares it for a variety of new uses, is of importance to be promoted. As imported cottons, equally with those which are made at home, may be the objects of this manufacture, it will merit consideration whether the whole or a part of the duty on the white goods ought not to be allowed to be drawn back in favor of those who print or stain them. This measure would certainly operate as a powerful encouragement to the business; and, though it may in a degree counteract the original fabrication of the articles, it would probably more than compensate for this disadvantage in the rapid growth of a collateral branch, which is of a nature sooner to attain to maturity. When a sufficient progress shall have been made, the drawback may be abrogated, and by that time the domestic supply of the articles to be printed or stained will have been extended. If the duty of seven and a half per cent. on certain kinds of cotton goods were extended to all goods of cotton, or of which it is the principal material, it would probably more than counterbalance the effect of the drawback proposed in relation to the fabrication of the article. And no material objection occurs to such an extension. The duty, then, considering all the circumstances which attend goods of this description, could not be deemed inconveniently high; and it may be inferred, from various causes, that the prices of them would still continue moderate. Manufactories of cotton goods not long since established at Beverly, in Massachusetts, and at Providence, in the State of Rhode Island, and conducted with a perseverance corresponding with the patriotic motives which began them, seem to have overcome the first obstacles to success, producing corduroys, velvets, fustians, jeans, and other

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similar articles, of a quality which will bear a comparison with the like articles brought from Manchester. The one at Providence has the merit of being the first in introducing into the United States the celebrated cotton mill, which not only furnishes materials for that manufactory itself, but for the supply of private families for household manufacture. Other manufactories of the same material, as regular businesses, have also been begun at different places in the State of Connecticut, but all upon a smaller scale than those above mentioned. Some essays are also making in the printing and staining of cotton goods. There are several small establishments of this kind already on foot.

Wool.—In a country the climate of which partakes of so considerable a proportion of Winter as that of a great part of the United States, the woollen branch cannot be regarded as inferior to any which relates to the clothing of the inhabitants. Household manufactures of this material are carried on, in different parts of the United States, to a very interesting extent; but there is only one branch which, as a regular business, can be said to have acquired maturity; this is the making of hats. Hats of wool, and of wool mixed with fur, are made in large quantities in different States; and nothing seems wanting but an adequate supply of materials to render the manufacture commensurate with the demand. A promising essay towards the fabrication of cloths, cassimeres, and other woollen goods, is likewise going on at Hartford, in Connecticut. Specimens of the different kinds which are made, in the possession of the Secretary, evince that these fabrics have attained a very considerable degree of perfection. Their quality certainly surpasses any thing that could have been looked for in so short a time and under so great disadvantages, and conspires, with the scantiness of the means which have been at the command of the directors, to form the eulogium of that public spirit, perseverance, and judgment, which have been able to accomplish so much. To cherish and bring to maturity this precious embryo must engage the most ardent wishes, and proportionable regret, as far as the means of doing it may appear difficult or uncertain. Measures which should tend to promote an abundant supply of wool, of good quality, would probably afford the most efficacious aid that present circumstances permit. To encourage the raising and improving the breed of sheep at home would certainly be the most desirable expedient for that purpose; but it may not be alone sufficient, especially as it is yet a problem whether our wool be capable of such a degree of improvement as to render it fit for the finer fabrics. Premiums would probably be found the best means of promoting the domestic, and bounties the foreign supply; the first may be within the compass of the institution hereafter to be submitted; the last would require a specific Legislative provision. If any bounties are granted, they ought, of course, to be adjusted with an eye to quality as well as quantity. A fund for this purpose may be derived from the addition of two and a half per cent. to

the present rate of duty on carpets and carpeting, an increase to which the nature of the articles suggests no objection, and which may at the same time furnish a motive the more to the fabrication of them at home, toward which some beginnings have been made.

SILK.—The production of this article is attended with great facility in most parts of the United States. Some pleasing essays are making in Connecticut, as well toward that as toward the manufacture of what is produced. Stockings, handkerchiefs, ribbons and buttons, are made, though as yet but in small quantities.

A manufactory of lace, upon a scale not very extensive, has been long memorable at Ipswich, in the State of Massachusetts. An exemption of the material from the duty which it now pays on importation, and premiums upon the production to be dispensed under the direction of the institution before alluded to, seem to be the only species of encouragement advisable at so early a stage of the thing.

GLASS.—The materials for making glass are found everywhere. In the United States there is no deficiency of them. The sands and stones called Tarso, which includes flinty and crystalline substances generally, and the salts of various plants, particularly of the sea-weed kali or kelp, constitute the essential ingredients. An extraordinary abundance of fuel is a particular advantage enjoyed by this country for such manufactures. They, however, require large capitals and involve much manual labor.

Different manufactories of glass are now on foot in the United States. The present duty of twelve and a half per cent. on all imported articles of glass amount to a considerable encouragement to those manufactories. If anything in addition is judged eligible, the most proper would appear to be a direct bounty on window glass and black bottles. The first recommends itself as an object of general convenience; the last adds to that character, the circumstance of being an important item in breweries. A complaint is made of great deficiency in this respect.

GUNPOWDER.—No small progress has been of late made in the manufacture of this very important article. It may, indeed, be considered as already established; but its high importance renders its further extension very desirable. The encouragements which it already enjoys, are a duty of ten per cent. on the foreign rival article, and an exemption of salt-petre, one of the principal ingredients of which it is composed, from duty. A like exemption of sulphur, another chief ingredient, would appear to be equally proper. No quantity of this article has yet been produced, from internal sources. The use made of it in finishing the bottoms of ships, is an additional inducement to placing it in the class of free goods. Regulations for the careful inspection of the article would have a favorable tendency.

PAPER.—Manufactories of paper are among those which are arrived at the greatest maturity in the United States, and are most adequate to national supply. That of paper-hangings is a branch in

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which respectable progress has been made. Nothing material seems wanting to the further success of this valuable branch, which is already protected by a competent duty on similar imported articles.

In the enumeration of the several kinds, made subject to that duty, sheeting and cartridge paper have been omitted. These being the most simple manufactures of the sort, and necessary to military supply, as well as ship-building, recommend themselves equally with those of other descriptions to encouragement, and appear to be as fully within the compass of domestic exertions.

PRINTED BOOKS.—The great number of presses disseminated throughout the Union, seem to afford an assurance that there is no need of being indebted to foreign countries for the printing of the books which are used in the United States. A duty of ten per cent. instead of five, which is now charged upon the article, would have a tendency to aid the business internally.

It occurs as an objection to this, that it may have an unfavorable aspect toward literature, by raising the prices of books in universal use in private families, schools, and other seminaries of learning. But the difference, it is conceived, would be without effect. As to books, which usually fill the libraries of the wealthier classes and of professional men, such an augmentation of prices, as might be occasioned by an additional duty of five per cent. would be too little felt to be an impediment to the acquisition.

And with regard to books which may bespecially imported for the use of particular Seminaries of Learning, and of Public Libraries, a total exemption from duty would be advisable, which would go far toward obviating the objection just mentioned. They are now subject to a duty of five per cent. As to the books in most general family use, the constancy and universality of the demand would insure exertions to furnish them at home, and the means are completely adequate. It may also be expected ultimately, in this as in other cases, that the extension of the domestic manufacture would conduce to the cheapness of the article. It ought not to pass unremarked, that to encourage the printing of books is to encourage the manufacture of paper.

REFINED SUGARS AND CHOCOLATE—Are among the number of extensive and prosperous domestic manufactures. Drawbacks of the duties upon the materials of which they are respectively made, in cases of exportation, would have a beneficial influence upon the manufacture, and would conform to a precedent which has been already furnished in the instance of molasses on the exportation of distilled spirits.

Cocoa, the raw material, now pays a duty of one cent per lb., while chocolate, which is a prevailing and very simple manufacture, is comprised in the mass of articles rated at no more than five per cent. There would appear to be a propriety in encouraging the manufacture by a somewhat higher duty on its foreign rival than is paid on the raw material. Two cents per lb. on imported chocolate would, it is presumed, be without inconvenience.

The foregoing heads comprise the most important of the several kinds of manufactures, which have occurred as requiring, and, at the same time, as most proper for public encouragement; and such measures for affording it as have appeared best calculated to answer the end, have been suggested. The observations which have accompanied this delineation of objects, supercede the necessity of many supplementary remarks. One or two, however, may not be altogether superfluous.

Bounties are in various instances proposed as one species of encouragement. It is a similar objection to them that they are difficult to be managed and liable to frauds. But neither that difficulty nor this danger seems sufficiently great to countervail the advantages of which they are productive, when rightly applied. And it is presumed to have been shown that they are in some cases, particularly in the infancy of new enterprises, indispensable.

It will, however, be necessary to guard with extraordinary circumspection the manner of dispensing them. The requisite precautions have been thought of; but to enter into the detail would swell this Report, already voluminous, to a size too inconvenient. If the principle shall not be deemed inadmissible, the means of avoiding an abuse of it will not be likely to present insurmountable obstacles. There are useful guides from practice in other quarters. It shall, therefore, only be remarked here, in relation to this point, that the bounty which may be applied to the manufacture of an article, cannot with safety extend beyond those manufactories at which the making of the article is a regular trade. It would be impossible to annex adequate precautions to a benefit of that nature, if extended to every private family in which the manufacture was incidentally carried on, and its being a merely incidental occupation, which engages a portion of time that would otherwise be lost, it can be advantageously carried on without so special an aid.

The possibility of diminution of the revenue may also present itself as an object to the arrangements which have been submitted. But there is no truth which may be more firmly relied upon than that the interests of the revenue are promoted by whatever promotes an increase of national industry and wealth. In proportion to the degree of these, is the capacity of every country to contribute to the public treasury; and where the capacity to pay is increased, or even is not decreased, the only consequence of measures which diminish any particular resource, is a change of the object. If, by encouraging the manufacture of an article at home, the revenue which has been wont to accrue from its importation should be lessened, an indemnification can easily be found, either out of the manufacture itself, or from some other object which may be deemed more convenient. The measures, however, which have been submitted, taken aggregately, will, for a long time to come, rather augment than decrease the public revenue.

There is little room to hope that the progress of manufactures will so equally keep pace with the progress of population, as to prevent even a

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gradual augmentation of the product of the duties on imported articles. As, nevertheless, an abolition in some instances, and a reduction in others of duties which have been pledged for the Public Debt is proposed, it is essential that it should be accompanied with a competent substitute. In order to this, it is requisite that all the additional duties which shall be laid, be appropriated in the first instance, to replace all defalcations which may proceed from any such abolition or diminution. It is evident, at first glance, that they will not only be adequate to this, but will yield a considerable surplus. This surplus will serve,

1st. To constitute a fund for paying the bounties which shall have been decreed.

2d. To constitute a fund for the operations of a Board to be established, for promoting arts, agriculture, manufactures and commerce. Of this institution, different intimations have been given in the course of this Report. An outline of a plan for it shall now be submitted.

Let a certain annual sum be set apart, and placed under the management of Commissioners, not less than three, to consist of certain officers in the Government and their successors in office. Let these Commissioners be empowered to apply the fund confided to them to defray the expenses of the emigration of artists and manufacturers in particular branches of extraordinary importance, to induce the prosecution and introduction of useful discoveries, inventions and improvements, by proportionate rewards, judiciously held out and applied, to encourage by premiums, both honorable and lucrative, the exertions of individuals, and of classes, in relation to the several objects they are charged with promoting, and to afford such other aids to those objects, as may be generally designated by law. The Commissioners to render to the Legislature an annual account of their transactions and disbursements; and all such sums as shall not have been enapplied to the purposes of their trust, at the end of every three years, to revert to the Treasury. It may also be enjoined upon them not to draw out the money, but for the purpose of some specific disbursement. It may moreover be of use, to authorize them to receive voluntary contributions; making it their duty to apply them to the particular objects for which they may have been made, if any shall have been designated by the donors.

There is reason to believe that the progress of particular manufactures has been much retarded by the want of skillful workmen. And it often happens that the capitals employed are not equal to the purposes of bringing from abroad workmen of a superior kind. Here, in cases worthy of it, the auxiliary agency of Government would in all probability be useful. There are also valuable workmen in every branch, who are prevented from emigrating by the want of means. Occasional aids to such persons, properly administered, might be a source of valuable acquisitions to the country.

The propriety of stimulating by rewards the invention and introduction of useful improvements, is admitted without difficulty. But the success of attempts in this way must evidently depend much on the manner of conducting them.

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It is probable, that the placing of the dispensation of those rewards under some proper discretionary direction, where they may be accompanied by collateral expedients, will serve to give them the surest efficacy. It seems impracticable to apportion by general rules, specific compensations for discoveries of unknown and disproportionate utility. The great use which may be made of a fund of this nature to procure and import foreign improvements is particularly obvious. Among these, the article of machines would form a most important item.

The operation and utility of premiums have been adverted to, together with the advantages which have resulted from their dispensation, under the direction of certain public and private societies. Of this, some experience has been had in the instance of the Pennsylvania Society for the Promotion of Manufactures and Useful Arts; but the funds of that association have been too contracted to produce more than a very small portion of the good to which the principles of it would have led. It may confidently be affirmed that there is scarcely anything which has been devised, better calculated to excite a general spirit of improvement than the institutions of this nature. They are truly invaluable.

In countries where there is great private wealth, much may be effected by the voluntary contributions of patriotic individuals; but in a community situated like that of the United States, the public purse must supply the deficiency of private resource. In what can it be so useful, as in promoting and improving the efforts of industry?

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

THE PUBLIC LANDS.

THE SECRETARY OF STATE, to whom was referred by the PRESIDENT OF THE UNITED STATES the resolution of Congress requesting the President "to cause an estimate to be laid before Congress, at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to nor claimed by any citizens of the United States, within the Territory ceded to the United States by the State of North Carolina, and within the Territory of the United States Northwest of the river Ohio," makes thereon the following Report:

The Territory ceded by the State of North Carolina to the United States, by deed bearing date the 25th day of February, 1790, is bounded as follows, to wit: Beginning in the boundary between Virginia and North Carolina, that is to say, in the parallel of latitude 36 degrees 30 minutes north from the Equator, on the extreme height of the Stone Mountain, where the said boundary or parallel intersects it, and running thence, along the said extreme height, to the place where Wataugo river breaks through it; thence, a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence, along the ridge of

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the said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron Mountain; from thence, along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence, along the extreme height of the said mountain, to the Painted Rock, or French Broad river; thence, along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoky Mountain; thence, along the extreme height of the said mountain, to the place where it is called the Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence, along the main ridge of the said mountain, to the southern boundary of the said State of North Carolina, that is to say, to the parallel of latitude 35 degrees north from the Equator; thence, westwardly, along the said boundary or parallel, to the middle of the river Mississippi; thence, up the middle of said river, to where it is intersected by the first-mentioned parallel of 36 degrees 30 minutes; thence, along the said parallel, to the beginning: which tract of country is a degree and a half of latitude from north to south, and about three hundred and sixty miles, in general, from east to west, as nearly as may be estimated from such maps as exist of that country.

The Indians having claims within the said tract of country are the Cherokees and Chickasaws, whose boundaries are settled by the Treaties of Hopewell, concluded with the Cherokees on the 28th day of November, 1785, and with the Chickasaws on the 10th day of January, 1786, and by the Treaty of Holston, concluded with the Cherokees, July 2, 1791. These treaties acknowledge to the said Indians all the lands westward and southward of the following lines, to wit: Beginning in the boundary between South and North Carolina, where the South Carolina Indian boundary strikes the same; thence, north, to a point from which a line is to be extended to the river Clinch, that shall pass the Holston, at the ridge which divides the waters running into Little river from those running into the Tennessee; thence, up the river Clinch, to Campbell's line, and, along the same, to the top of the Cumberland Mountain; thence, in a direct course, toward the Cumberland river, where the Kentucky road crosses it, as far as the Virginia line, or parallel, aforesaid, of 36 degrees and 30 minutes; thence, westwardly, or eastwardly, as the case shall be, along the said line or parallel, to the point thereof, which is due northeast from another point to be taken on the dividing ridge of Cumberland and Duck rivers, forty miles from Nashville; thence south west, to the point last mentioned, on the said dividing ridge, and along the said dividing ridge north westwardly, to where it is intersected by the said Virginia line or parallel of 36 degrees 30 minutes. So that there remained to the United States the right of pre-emption of the lands westward and southward of the said lines, and the absolute right to those northward thereof, that is to say, to one parcel to the eastward, somewhat triangular, comprehending the counties of Sullivan and Washington, and parts

of those of Greene and Hawkins, running about one hundred and fifty miles from east to west, on the Virginia boundary as its base, and between eighty and ninety miles from north to south where broadest, and containing, as may be conjectured, without pretending to accuracy, between seven and eight thousand square miles, or about five millions of acres: And to one other parcel, to the westward, somewhat triangular also, comprehending parts of the counties of Sumner, Davidson, and Tennessee, the base whereof extends about one hundred and fifty miles also, from east to west, on the same Virginia line, and its height from north to south about fifty-five miles, and so may comprehend about four thousand square miles, or upwards of two and a half millions of acres of land.

Within these triangles, however, are the following claims of citizens, reserved by the deed of cession, and consequently forming exceptions to the rights of the United States:

I. Appropriations by the State of North Carolina for their Continental and State officers and soldiers.

II. Grants and titles to grants vested in individuals by the laws of the State.

III. Entries made in Armstrong's office, under an act of that State, of 1783, for the redemption of specie and other certificates.

The claims covered by the first reservation are—

1st. The bounties in land given by the said State of North Carolina to their Continental line, in addition to those given by Congress. These were to be located within a district bounded northwardly by the Virginia line, and southwardly by a line parallel thereto, and fifty-five miles distant; westwardly by the Tennessee; and eastwardly by the meridian of the intersection of the Virginia line and Cumberland river. Grants have accordingly issued for 1,239,498 acres, and warrants for the further quantity of 1,549,726 acres, making, together, 2,789,224 acres.

It is to be noted that the southwestern and southeastern angles of this district, constituting perhaps a fourth or fifth of the whole, are south of the lines established by the treaties of Hopewell and Holston, and consequently in a country wherein the Indian title is acknowledged and guaranteed by the United States. No information is received of the exact proportion of the locations made within these angles.

2d. Bounties in land to Evans's battalion, raised for State purposes. These were to be taken west of Cumberland Mountain. The locations are not yet made.

The second reservation covers the following claims:

1. Lands for the Surveyor General's fees for laying out the military bounties, to be located in the military district. The grants already issued on this account amount to 30,203 acres.

2. Grants to Isaac Shelby, Anthony Bledsoe, and Absalom Tatum, Commissioners for laying out the military bounties; and to guards, chain-carriers, markers, and hunters, who attended them

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already issued to the amount of 65,932 acres, located in the military district.

3. Entries in Washington county, amounting to 746,362½ acres; for 214,541½ of which, grants have already issued. Of the remaining 531,821½ acres, a considerable proportion were declared void by the laws of the State, and were particularly excluded from the cover of the reservation in the deed of cession by this clause in it, to wit: "*Provided*, That nothing herein contained shall extend, or be construed to extend, to the making good any entry or entries, or any grant or grants, heretofore declared void by any act or acts of the General Assembly of this State." Still it is to be considered that many of these persons have settled and improved the lands, are willing, as is said, to comply with such conditions as shall be required of other purchasers, form a strong barrier on the new frontier acquired by the treaty of Holston, and are, therefore, objects meriting the consideration of the Legislature.

4. Entries in Sullivan county, amounting to 240,624 acres; for 173,332 acres of which grants have already issued. Of the remaining entries, many are certified void, and others understood to be lapsed, or otherwise voidable under the laws of the State.

5. Certain pre-emption rights, granted to the first settlers of Davidson county, on Cumberland river, amounting to 300,760 acres.

6. A grant of 200,000 acres to Richard Henderson and others, on Powell's and Clinch's rivers, extending up Powell's river in a breadth of not less than four miles, and down Clinch's from their junction in a breadth not less than twelve miles. A great part of this is within the Indian territory.

Among the grants of the State now under recapitulation, as forming exceptions out of the absolute rights of the United States, are not to be reckoned here two grants of 2,000 each to Alexander Martin and David Wilson, adjacent to the lands allotted to the officers and soldiers; nor a grant of 25,000 acres on Duck river to the late Major General Greene; because they are wholly within the Indian territory, as acknowledged by the treaties of Hopewell and Holston.

The extent of the third reservation in favor of entries made in Armstrong's office is not yet entirely known, nor can be until the 20th of December, 1792, the last day given for perfecting them. The sum of certificates, however, which had been paid for these warrants into the Treasury of the State, before the 20th day of May, 1790, reaches, in all probability, near to their whole amount. This was £373,649 6s. 5d. currency of that State, and, at the price of £10 the hundred acres, established by law, shows that warrants had issued for 3,736,493 acres. For 1,762,660 acres of these, grants have passed, which appear to have been located partly in the counties of Greene and Hawkins, and partly in the country from thence to the Mississippi, as divided into Eastern, Middle, and Western Districts. Almost the whole of these locations are within the Indian territory. Besides the warrants paid for as before mentioned, it is known that there are some others outstanding and not

paid for; but, perhaps, these need not be taken into account, as payment of them has been disputed, on the ground that the lands being within the Indian territory, cannot now be delivered to the holders of the warrants.

On a review of all the reservations, after making such conjectural allowance as our information authorizes, for the proportion of them, which may be within the Indian boundaries, it appears probable they cover all the ceded lands susceptible of culture and cleared of the Indian title, that is to say, all the habitable parts of the two triangles before mentioned, excepting only the lands south of French Broad and Big Pigeon rivers. These were part of the tract appropriated by the laws of the State to the use of the Indians, whose title being purchased at the late treaty of Holston, they are now free to be disposed of by the United States, and are probably the only lands open to their disposal within this Southwestern Territory which can excite the attention of purchasers. They are supposed to amount to about 200,000 acres, and we are told that three hundred families have already set down upon them without right or license.

The territory of the United States Northwest of the Ohio is bounded on the south by that river, on the east by Pennsylvania, on the north and west by the lines which divide the United States from the dominions of Great Britain and Spain.

The part of this territory occupied by Indians is north and west of the following lines, established with the Wyandots, Delawares, Chippewas, and Ottawas, by the treaty of Fort McIntosh, and with the Shawanese, by that of the Great Miami, to wit: beginning at the mouth of the Cuyahoga, and running up the river to the portage between that and the Tuscaroras branch of the Muskingum; then down the said branch to the forks at the crossing place above Fort Lawrence; then westwardly, towards the portage of the Big Miami, to the main branch of that river; then down the Miami to the fork of that river next below the Old Fort which was taken by the French in 1752; thence due west to the river De la Panse, and down that river to the Wabash. So far, the lines are precisely defined, and the whole country southward of these lines and eastward of the Wabash cleared of the claims of those Indians, as it is also of those of the Pottawatomies and Sacs by the treaty of Muskingum. How far on the other side of the Wabash the southern boundary of the Indians has been defined we know not. It is only understood, in general, that their title to the lower country, between that river and the Illinois, has been formerly extinguished by the French while in their possession. As to that country, then, and what lies still beyond the Illinois, it would seem expedient that nothing be done until a fair ascertainment of boundary can take place by mutual consent between us and the Indians interested.

The country within the Wabash, the Indian line before described, the Pennsylvania line, and the Ohio, contains, on a loose estimate, about 55,000 square miles, or 35,000,000 of acres.

During the British government, great numbers

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of persons had formed themselves in companies, under different names, such as the Ohio, the Wabash, the Illinois, the Mississippi, or Vandalia Companies, and had covered with their applications a great part of this territory. Some of them had obtained orders, on certain conditions, which, having never been fulfilled, their titles were never completed by grants; others were only in a state of negotiation when the British authority was discontinued. Some of these claims being already under a special reference, by order of Congress, and all of them probably falling under the operation of the same principles, they will not be noticed in the present Report.

The claims of citizens to be here stated will be—

I. Those reserved to the States by their deeds of cession.

II. Those which have arisen under the Government of the United States themselves.

Under the first head presents itself the tract of country from the completion of the 41st degree to 42 degrees 2 minutes of north latitude, and extending from the Pennsylvania line before mentioned one hundred and twenty miles westward, not mentioned in the deed of Connecticut, while all the country westward thereof was mentioned to be ceded. About two and a half millions of acres of this may, perhaps, be without the Indian lines before mentioned.

1. A reservation in the deed of Virginia of the possessions and titles of the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincennes, and the neighboring villages, who had professed themselves citizens of Virginia, which rights have been settled by an act of the last session of Congress, entitled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory Northwest of the Ohio, and for confirming them in their possessions." These lands are in the neighborhood of the several villages.

2. A reservation in the same deed of a quantity, not exceeding 150,000 acres of land, for General George Rogers Clark, and the officers and soldiers of his regiment, who were at the reduction of Kaskaskias and St. Vincennes, to be laid off in such place, on the northwest side of the Ohio, as a majority of the officers should choose. They chose they should be laid off on the river adjacent to the rapids, which accordingly has been done.

3. A reservation in the same deed, of lands between the Scioto and Little Miami, to make up to the Virginia troops on Continental establishment the quantity which the good lands in their southern allotment might fall short of the bounties given them by the laws of that State. By a statement of the 16th September, 1788, it appears that 724,045½ acres had been surveyed for them on the southeastern side of the Ohio; that 1,395,385½ acres had been surveyed on the northwestern side; that warrants for 649,649 acres more, to be laid off on the same side of the river, were in the hands of the Surveyor, and it was supposed there might still be some few warrants not yet presented; so that this reservation may be stated at 2,045,034½ acres, or perhaps some small matter more.

III. The claims of individual citizens, derived from the United States themselves, are the following:

1. Those of the Continental Army, founded on the resolutions of Congress of September 16, 1776, August 12, and September 30, 1780, and fixed by the ordinance of May 20, 1785. The resolution of October 22, 1787, and the supplementary ordinance of July 9, 1788, in the seven ranges of townships, beginning at a point on the Ohio, due north from the western termination of a line then lately run, as the southern boundary of Pennsylvania; or, in a second tract of 1,000,000 of acres, bounded east by the seventh range of the said townships, south by the lands of Cutler and Sargent, north by an extension of the northern boundary of the said townships, and going towards the west so far as to include the above quantity; or, lastly, in a third tract of country, beginning at the mouth of the Ohio, and running up the river Mississippi to the river Au Vause; thence up the same till it meets a west line from the mouth of the Little Wabash; thence along that line to the Great Wabash; thence down the same and the Ohio to the beginning. The sum total of the said military claims is 1,851,800 acres.

2. Those of the individuals who made purchases of land at New York, within the said seven ranges of townships, according to the resolutions of Congress of April 21, 1787, and the supplementary ordinance of July 9, 1788; which claims amount to 150,896 acres.

3. The purchase of one million and a half acres of land by Cutler and Sargent, on behalf of certain individuals associated under the name of the Ohio Company. This begins where the Ohio is intersected by the western boundary of the seventh range of townships, and runs due north on that boundary 1,306 chains and 25 links; thence, due west, to the western boundary of the seventeenth range of townships; thence, due south, to the Ohio, and up that river to the beginning; the whole area containing 1,781,760 acres of land, whereof 281,760 acres, consisting of various lots and townships, are reserved to the United States.

4. The purchase by the same Cutler and Sargent, on behalf also of themselves and others. This begins at the northeastern angle of the tract of their purchase before described, and runs due north to the northern boundary of the tenth township from the Ohio; thence, due west, to the Scioto; thence, down the same, and up the Ohio, to the southwestern angle of the said purchase before described, and along the western and northern boundaries thereof to the beginning; the whole area containing 4,901,480 acres of land; out of which, however, five lots, to wit: Nos. 8, 11, 16, 26, and 29, of every township of six miles square, are retained by the United States, and out of the whole are retained the three townships of Gnadenhutzen, Schoenbrun, and Salem; and certain lands around them, as will be hereafter mentioned.

5. The purchase of John Cleves Symmes, bounded on the west by the Great Miami; on the south by the Ohio; on the east by a line which is to begin on the bank of the Ohio, twenty miles

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from the mouth of the Great Miami, as measured along the several courses of the Ohio, and to run parallel with the general course of the said Great Miami; and on the north by an east and west line so run as to include 1,000,000 of acres in the whole area, whereof five lots, numbered as before mentioned, are reserved out of every township by the United States.

It is suggested that this purchaser, under color of a first and larger proposition to the Board of Treasury, which was never closed, (but, pending that proposition,) sold sundry parcels of land between his eastern boundary, before mentioned, and the Little Miami, and that the purchasers have settled thereon. If these suggestions prove true, the settlers will perhaps be thought to merit the favor of the Legislature, as purchasers for valuable consideration, and without notice of the defect of title.

The contracts for lands, which were at one time under consideration with Messrs. Flint and Parker, and with Colonel Morgan, were never so far prosecuted as to bring either party under any obligation. All proceedings thereon were discontinued at a very early stage, and it is supposed that no further views exist with any other party. These, therefore, are not to be enumerated among existing claims.

6. Three townships were reserved by the ordinance of May 20, 1785, adjacent to Lake Erie, for refugees from Canada and Nova Scotia, and for other purposes, according to resolutions of Congress, made or to be made on that subject. These would, of course, contain 69,120 acres.

7. The same ordinance of May 20, 1785, appropriated the three towns of Gnadenhutzen, Schoenbrun, and Salem, on the Muskingum, for the Christian Indians formerly settled there, or the remains of that Society, with the grounds round about them; and the quantity of the said circumjacent grounds, for each of the said towns, was determined by the resolution of Congress, of September 3, 1788, to be so much as, with the plat of its respective town, would make up 4,000 acres; so that three towns and their circumjacent lands were to amount to 12,000 acres. This reservation was accordingly made out of the large purchase of Cutler and Sargent, which comprehended them. The Indians, however, for whom the reservation was made, have chosen to emigrate beyond the limits of the United States, so that the lands reserved for them still remain to the United States.

On the whole, it appears that the United States may rightfully dispose of all the lands between the Wabash and the Ohio, Pennsylvania, the forty-first parallel of latitude, and the Indian lines described in the treaties of the Great Miami, and Fort McIntosh, with exceptions only of the rights saved by the deed of cession of Virginia, and of all rights legally derived from the Government of the United States; and, supposing the part south of the Indian lines to contain, as before conjectured, about 35,000,000 of acres, and that the claims of citizens before enumerated may amount to between 13,000,000 and 14,000,000, there remains at

the disposal of the United States upwards of 21,000,000 of acres in this northwestern quarter.

And though the want of actual surveys of some parts, and of a general delineation of the whole on paper, so as to exhibit to the eye the locations, forms, and relative positions of the rights before described, may prevent our forming a well-defined idea of them at this distance, yet, on the spot, these difficulties exist but in a small degree. The individuals there employed in the details of buying, selling, and locating, possess local informations of the parts which concern them, so as to be able to keep clear of each other's rights; or, if in some instances a conflict of claims should arise, from any want of certainty in their definition, a local Judge will doubtless be provided to decide them without delay, at least provisionally. Time, instead of clearing up these uncertainties, will cloud them the more, by the death or removal of witnesses, the disappearance of lines and marks, change of parties, and other casualties.

TH. JEFFERSON,
Secretary of State.

NOVEMBER 8, 1791.

OBTAINING FRESH FROM SALT WATER.

The SECRETARY OF STATE, to whom was referred by the House of Representatives of the United States, the petition of Jacob Isaacks, of Newport, in Rhode Island, has examined into the truth and importance of the allegations therein set forth, and makes thereon the following Report:

The petition sets forth, that, by various experiments, with considerable labor and expense, he has discovered a method of converting salt water into fresh, in the proportion of eight pints out of ten, by a process so simple that it may be performed on board of vessels at sea, by the common iron caboose, (with small alteration,) by the same fire and in the same time which is used for cooking the ship's provisions; and offers to convey to the Government of the United States a faithful account of his art, or secret, to be used by or within the United States, on their giving to him a reward suitable to the importance of the discovery, and, in the opinion of Government, adequate to his expenses and the time he has devoted to the bringing it into effect.

In order to ascertain the merit of the petitioner's discovery, it becomes necessary to examine the advances already made in the art of converting salt water into fresh.

Lord Bacon, to whom the world is indebted for the first germs of so many branches of science, had observed, that, with a heat sufficient for distillation, salt will not rise in vapor, and that salt water distilled, is fresh. And it would seem that all mankind might have observed, that the earth is supplied with fresh water chiefly by exhalation from the sea, which is in fact an insensible distillation effected by the heat of the sun. Yet this, though the most obvious, was not the first idea in the essays for converting salt water into fresh. Filtration was tried in vain, and congelation could

Obtaining Fresh from Salt Water.

be resorted to only in the coldest regions and seasons. In all the earlier trials by distillation, some mixture was thought necessary to aid the operation by a partial precipitation of the salt, and other foreign matters contained in sea water. Of this kind were the methods of Sir Richard Hawkins, in the sixteenth century; of Glauber, Hauton, and Lister, in the seventeenth century; and of Hales, Appleby, Butler, Chapman, Hoffman, and Dove, in the eighteenth century: nor was there anything in these methods worthy noting on the present occasion, except the very simple still, contrived extempore by Captain Chapman, and made from such materials as are to be found on board every ship, great or small. This was a common pot with a wooden lid of the usual form, in the centre of which a hole was bored to receive perpendicularly a short wooden tube, made with an inch and half auger, which perpendicular tube received at its top, and at an acute angle, another tube of wood also, which descended till it joined a third, of pewter, made by rolling up a dish, and passing it obliquely through a cask of cold water. With this simple machine he obtained two quarts of fresh water an hour, and observed, that the expense of fuel would be very trifling, if the still was contrived to stand on the fire along with the ship's boiler.

In 1763, Dr. Lind, proposing to make experiments of several different mixtures, first distilled rain water, which he supposed would be the purest, and then sea water, without any mixture, which he expected would be the least pure, in order to arrange between these two supposed extremes the degree of merit of the several ingredients he meant to try. "To his great surprise," as he confesses, "the sea water, distilled without any mixture, was as pure as the rain water." He pursued the discovery, and established the fact that a pure and potable fresh water may be obtained from salt water by simple distillation, without the aid of any mixture for fining or precipitating its foreign contents. In 1767, he proposed an extempore still, which, in fact, was Chapman's, only substituting a gun-barrel instead of Chapman's pewter tube, and the hand-pump of the ship to be cut in two obliquely, and joined again at an acute angle, instead of Chapman's wooden tubes bored express; or, instead of the wooden lid and upright tube, he proposed a tea-kettle (without its lid or handle) to be turned bottom upward over the mouth of the pot, by way of still-head, and a wooden tube leading from the spout to a gun-barrel passing through a cask of water, the whole luted with equal parts of chalk and meal moistened with salt water.

With this apparatus of a pot, tea-kettle, and gun-barrel, the Dolphin, a twenty-gun ship, in her voyage round the world, in 1761, from fifty-six gallons of sea water, and with nine pounds of wood and sixty-nine pounds of pit-coal, made forty-two gallons of good fresh water, at the rate of eight gallons an hour. The Dorsetshire, in her passage from Gibraltar to Mahon, in 1766, made nineteen quarts of pure water in four hours, with ten pounds of wood. And the Slambal, in 1773,

between Bombay and Bengal, with a hand-pump, gun-barrel, and a pot, of six-gallons of sea water made ten quarts of fresh water in three hours.

In 1771, Dr. Irvin, putting together Lind's idea of distilling without a mixture, Chapman's still, and Dr. Franklin's method of cooling by evaporation, obtained a premium of £5,000 from the British Parliament. He wet his tube constantly with a mop, instead of passing it through a cask of water. He enlarged its bore, also, in order to give it a freer passage to the vapor, and thereby increase its quantity by lessening the resistance or pressure on the evaporating surface. This last improvement was his own, and it doubtless contributed to the success of his models; and we may suppose the enlargement of the tube to be useful to that point at which the central parts of the vapor, passing through it, would begin to escape condensation. Lord Mulgrave used his method in his voyage towards the North Pole, in 1773, making from thirty-four to forty gallons of fresh water a day, without any great addition of fuel, as he says.

M. de Bougainville, in his voyage round the world, used, very successfully, a still which had been contrived in 1763, by Poyissonier, so as to guard against the water being thrown over from the boiler into the pipe by the agitation of the ship. In this, one singularity was that the furnace or fire-box was in the middle of the boiler, so that the water surrounded it in contact. This still, however, was expensive, and occupied much room.

Such were the advances already made in the art of obtaining fresh from salt water, when Mr. Isaacks, the petitioner, suggested his discovery.

As the merit of this could be ascertained by experiment only, the Secretary of State asked the favor of Mr. Rittenhouse, President of the American Philosophical Society, of Dr. Wistar, President of Chemistry in the College of Philadelphia, and Dr. Hutchinson, Professor of Chemistry in the University of Pennsylvania, to be present at the experiments. Mr. Isaacks fixed the pot of a small caboose, with a tin cap and straight tube of tin passing obliquely through a cask of cold water; he made use of a mixture, the composition of which he did not explain, and from twenty-four pints of sea water, taken up about three miles out of the Capes of Delaware at flood tide, he distilled twenty-two pints of fresh water in four hours, with twenty pounds of seasoned pine, which was a little wetted by having lain in the rain.

In a second experiment, of the 21st of March, performed in a furnace and five gallon still at the College, from thirty-two pints of sea water he drew thirty-one pints of fresh water in seven hours and twenty-four minutes, with fifty-one pounds of hickory, which had been cut about six months. In order to decide whether Mr. Isaacks's mixture contributed in any and what degree to the success of the operation, it was thought proper to repeat his experiment under the same circumstances exactly, except the omission of the mixture. Accordingly, on the next day, the same quantity of sea water was put into the same still,

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the same furnace was used, and fuel from, the same parcel. It yielded, as his had done, thirty-one pints of fresh water in eleven minutes more of time, and with ten pounds less of wood.

On the 24th of March, Mr. Isaacks performed a third experiment. For this, a common iron pot, of three and a half gallons, was fixed in brick-work, and the flue from the hearth wound once round the pot spirally, and then passed off up a chimney. The cap was of tin, and a straight tin tube of about two inches diameter, passing obliquely through a barrel of water, served instead of a worm. From sixteen pints of sea water he drew off fifteen pints of fresh water, in two hours and fifty-five minutes, with three pounds of dry hickory and eight pounds of seasoned pine. This experiment was also repeated the next day, with the same apparatus and fuel from the same parcel, but without the mixture. Sixteen pints of sea water yielded, in like manner, fifteen pints of fresh, in one minute more of time, and with half a pound less of wood. On the whole, it was evident that Mr. Isaacks's mixture produced no advantage, either in the process or result of the distillation.

The distilled water in all these instances was found, on experiment, to be as pure as the best pump water of the city. Its taste, indeed, was not as agreeable, but it was not such as to produce any disgust. In fact we drink, in common life, in many places, and under many circumstances, and almost always at sea, a worse tasted and probably a less wholesome water.

The obtaining fresh from salt water, for ages was considered as an important desideratum for the use of navigators. The process for doing this by simple distillation is so efficacious, the erecting an extempore still with such utensils as are found on board of every ship, is so practicable, as to authorize the assertion that this desideratum is satisfied to a very useful degree. But, though this has been done for upwards of thirty years; though its reality has been established by the actual experience of several vessels which have had recourse to it, yet neither the fact nor process is known to the mass of seamen, to whom it would be the most useful, and for whom it was principally wanted. The Secretary of State is therefore of opinion that, since the subject has been brought under observation, it should be made the occasion of disseminating its knowledge generally and effectually among the sea-faring citizens of the United States. The following is one of the many methods which might be proposed for doing this:

Let the clearance for every vessel sailing from the ports of the United States be printed on paper, on the back whereof shall be a printed account of the essays which have been made for obtaining fresh from salt water, mentioning briefly those which were unsuccessful, and, more fully, those which have succeeded; describing the methods which have been found to answer for constructing extempore stills of such implements as are generally on board of every vessel, with a recommendation, in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette

on their return to the United States, or communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

THOMAS JEFFERSON.

PHILADELPHIA, Nov. 21, 1791.

INDIAN HOSTILITIES.

UNITED STATES, January 16, 1792.

SIR: As the circumstances which have engaged the United States in the present Indian War may some of them be out of the public recollection, and others perhaps be unknown, it may appear advisable that you prepare and publish, from authentic documents, a statement of those circumstances, as well as of the measures which have been taken, from time to time, for the re-establishment of peace and friendship.

When the community are called upon for considerable exertions, to relieve a part which is suffering under the hand of an enemy, it is desirable to manifest that due pains have been taken by those intrusted with the administration of their affairs to avoid the evil.

G. WASHINGTON.

*The Secretary for the
Department of War.*

The Causes of the existing Hostilities between the United States and certain Tribes of Indians, Northwest of the Ohio, stated and explained from official and authentic Documents, and published in obedience to the orders of the President of the United States.

A recurrence to the Journals of the United States in Congress assembled, of the early stages of the late war, will evince the public solicitude to preserve peace with the Indian tribes, and to prevent their engaging in a contest in which they were no wise interested.

But though partial treaties or conventions were formed with some of the Northern and Western tribes, in the years 1775 and 1776, yet those treaties were too feeble to resist the powerful impulses of a contrary nature, arising from a combination of circumstances at that time; and accordingly all the various Indian nations (the Oneidas, Tuscaroras, and a few individuals of the Delawares, excepted) lying on our frontiers, from Georgia to Canada, armed against us.

It is yet too recent to have been forgotten, that great numbers of inoffensive men, women, and children, fell a sacrifice to the barbarous warfare practised by the Indians, and many others were dragged into a deplorable captivity.

Notwithstanding that these aggressions were entirely unprovoked, yet as soon as the war ceased with Great Britain, the United States, instead of indulging any resentments against the Indian nations, sought only how to establish a liberal peace with all the tribes throughout their limits.

Early measures were accordingly taken for this

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purpose. A treaty was held, and a peace concluded, in the year 1784, with the hostile part of the Northern Indians, or Six Nations, at Fort Stanwix.

In January, 1785, another treaty was formed with part of the Western tribes, at Fort McIntosh, on the Ohio, to wit: with the Wyandots, Delawares, Ottawas, and Chippewas.

During the same year, treaties were formed at Hopewell, on the Keowee, with all the powerful tribes of the South, excepting the Creeks, to wit: the Cherokees, the Choctaws, and Chickasaws.

In January, 1786, a treaty was formed with the Shawanese, at the confluence of the Great Miami with the Ohio.

It was not long before certain turbulent and malignant characters residing among some of the northern and western tribes, which had formed the treaties of Fort Stanwix and Fort McIntosh, excited uneasiness and complaints against those treaties. In consequence of representations upon this subject, on the 5th of October, 1787, Congress directed, "That a general treaty should be held with the tribes of Indians within the limits of the United States, inhabiting the country Northwest of the Ohio, and about Lake Erie, as soon after the first of April next as conveniently might be, and at such place and at such particular time as the Governor of the Western Territory should appoint, for the purpose of knowing the causes of uneasiness among the said tribes, and hearing their complaints; of regulating trade, and amicably settling all affairs concerning lands and boundaries, between them and the United States."

On the 2d day of July, 1788, Congress appropriated "the sum of twenty thousand dollars, in addition to fourteen thousand dollars before appropriated, for defraying the expenses of the treaties which had been ordered, or which might be ordered to be held in the present year, with the several Indian tribes in the Northern Department, and for extinguishing the Indian claims; the whole of the said twenty thousand dollars, together with six thousand dollars of the said fourteen thousand dollars, to be applied solely to the purpose of extinguishing the Indian claims to the lands they had already ceded to the United States, by obtaining regular conveyances for the same, and for extending a purchase beyond the limits theretofore fixed by treaty; but that no part of the said sums should be applied for any purpose other than those above mentioned."

Accordingly new treaties were held at Fort Harmar the latter part of the year 1788, and concluded on the 9th day of January, 1789, with a representation of all the Six or Northern Nations, the Mohawks excepted; and with a representation of the following tribes, to wit: the Wyandots, the Delawares, Ottawas, Chippewas, Pottawatomes, and Sacs. By these treaties, nearly the same boundaries were recognised and established by a principle of purchase, as had been stipulated by the former treaties of Fort Stanwix and Fort McIntosh.

Thus careful and attentive was the Government of the United States to settle a boundary with the

Indians on the basis of fair treaty, to obviate the dissatisfactions which had been excited, and to establish its claim to the lands relinquished, on the principle of equitable purchase.

It does not appear that the right of the Northern and Western Indians, who formed the several before mentioned treaties to the lands thereby relinquished to the United States, has been questioned by any other tribes; nor does it appear that the present war has been occasioned by any dispute relatively to the boundaries established by the said treaties. But, on the contrary, it appears that the unprovoked aggressions of the Miami and Wabash Indians, upon Kentucky and other parts of the frontiers, together with their associates—a banditti, formed of Shawanese and outcast Cherokees, amounting in all to about one thousand two hundred men—are solely the causes of the war. Hence it is proper that their conduct should be more particularly adverted to.

In the year 1784, when messages were sent to the Wyandots and Delawares, inviting them to meet the Commissioners, first at Cuyahoga, and afterwards at Fort McIntosh, the *Miami Indians* were also included in the said invitations, but they did not attend.

In the year 1785, these invitations were repeated; but the messengers, upon their arrival at the Miami village, had their horses stolen, were otherwise treated with insolence, and prevented from fulfilling their mission.

In the years 1787 and 1788, new endeavors were used to bring those Indians to treat. They were urged to be present at the treaty appointed to be held at Fort Harmar; but these endeavors proved as fruitless as all the former.

At a Council of the Tribes, convened in 1788, at the Miami river, the Miami and Wabash Indians were pressed to repair to the treaty, with great earnestness, by the chiefs of the Wyandots and Delawares; the Wyandot chiefs particularly presented them with a large belt of wampum, holding one end of it themselves, and offering the other to the hostile Indians, which was refused. The Wyandots then laid it on the shoulders of a principal chief, recommending to him to be at peace with the Americans; but, without making any answer, he leaned himself, and let it fall to the ground; this so displeased the Wyandots, that they immediately left the Council-house.

In the mean time the frontier settlements were disquieted by frequent depredations and murders, and the complaints of their inhabitants (as might be expected) of the pacific forbearance of the Government, were loud, repeated, and distressing—their calls for protection incessant—till at length they appeared determined by their own efforts to endeavor to retaliate the injuries they were continually receiving, and which had become intolerable.

In this state of things it was indispensable for the Government to make some decisive exertion for the peace and security of the frontier.

But notwithstanding the ill success of former experiments, and the invincible spirit of animosity which had appeared in certain tribes, and which

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was of a nature to justify a persuasion that no impression could be made upon them by pacific expedients, it was still deemed advisable to make one more essay.

Accordingly, in April, 1790, Anthony Gamelin, an inhabitant of Post Vincennes, and a man of good character, was despatched to all the tribes and villages of the Wabash river, and to the Indians of the Miami village, with a message, purporting that the United States were desirous of establishing a general peace with all the neighboring tribes of Indians, and of treating them in all respects with perfect humanity and kindness; and at the same time warning them to abstain from further depredations.

The Indians in some of the villages on the lower part of the Wabash, appeared to listen to him; others manifested a different disposition; others confessed their inability to restrain their young warriors; and all referred the messenger to the Indians at the Miami village. At this village some appeared well disposed, but the chiefs of the Shawanese returned the messages and belts, informing the messenger, however, that they would, after consultation, within thirty nights, send an answer to Post Vincennes. The promised answer was never received. While the messenger was at the Miami village, two negroes were brought in from our settlements, prisoners; and upon his return to L'Angulle, a chief informed him that a party of seventy warriors, from the more distant Indians, had arrived, and were gone against the settlements.

In three days after his departure from the Miami village, a prisoner was there burnt to death. Similar cruelties were exercised at the Ouittanon towns, about the same time; and, in the course of three months, immediately after the last mentioned invitation, upwards of one hundred persons were killed, wounded, and taken prisoners, upon the Ohio, and in the district of Kentucky.

It is to be remarked, that previously to the last invitation, the people of Kentucky, who, in consequence of their injuries, were meditating a blow against the hostile Indians, (as before intimated,) were restrained by the PRESIDENT OF THE UNITED STATES from crossing the Ohio, until the effect of the friendly overture, intended to be made, should be known.

It is also to be observed, that the Wyandots and Delawares, after having frequently and fruitlessly endeavored to influence the Miami and Wabash Indians to peace, upon mature conviction, finally declared that force only could effect the object.

As an evidence that the conduct of the hostile Indians has been occasioned by other motives than a claim relatively to boundaries, it is to be observed that their depredations have been principally upon the district of Kentucky, and the counties of Virginia, lying along the south side of the Ohio, a country to which they have no claim.

It appears, by respectable evidence, that from the year 1783, until the month of October, 1790, the time the United States commenced offensive operations against the said Indians, that on the Ohio, and the frontiers on the south side thereof,

they killed, wounded, and took prisoners, about one thousand five hundred men, women, and children, besides carrying off two thousand horses, and other property, to the amount of fifty thousand dollars.

The particulars of the barbarities exercised upon many of the prisoners, of different ages and sexes, although supported by indisputable evidence, are of too shocking a nature to be presented to the public. It is sufficient upon this head to observe, that the tomahawk and scalping knife have been the mildest instruments of death. That in some cases torture by fire, and other execrable means, have been used.

But the outrages which were committed upon the frontier inhabitants, were not the only injuries that were sustained; repeated attacks upon detachments of the troops of the United States were at different times made. The following, from its peculiar enormity, deserves recital. In April, 1790, Major Doughty was ordered to the friendly Chickasaws, on public business. He performed this duty in a boat, having with him Ensign Sedam, and a party of fifteen men. While ascending the Tennessee river, he was met by a party of forty Indians, in four canoes, consisting principally of the aforesaid banditti of Shawanese and outcast Cherokees. They approached under a white flag, the well known emblem of peace. They came on board the Major's boat, received his presents, continued with him nearly one hour, and then departed in the most friendly manner; but, they had scarcely cleared his oars, before they poured in a fire upon his crew, which was returned as soon as circumstances would permit, and a most unequal combat was sustained for several hours, when they abandoned their design, but not until they had killed and wounded eleven out of fifteen of the boat's crew. This perfidious conduct, in any age, would have demanded exemplary punishment.

All overtures of peace failing, and the depredations still continuing, an attempt at coercion became indispensable. Accordingly the expedition under Brigadier General Harmar, in the month of October, 1790, was directed. The event is known.

After this expedition, the Governor of the Western Territory, in order that nothing might be omitted to effect a peace without further conflict, did, on his arrival at Fort Harmar, in December, 1790, send through the Wyandots and Delawares conciliatory messages to the Miamies, but still without effect.

The Cornplanter, a war chief of the Senecas, and other Indians of the same tribe, being in Philadelphia in the month of February, 1791, were engaged to undertake to impress the hostile Indians with the consequences of their persisting in the hostilities, and also of the justice and moderation of the United States. In pursuance of this design, Colonel Procter, on the 14th of March, was sent to the Cornplanter, to hasten his departure, and to accompany him to the Miami village; and messages were sent to the Indians, declaratory of the pacific sentiments of the United States towards them. But both Colonel Procter and the

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Cornplanter, although zealously desirous of executing their mission, encountered difficulties of a particular nature, which were insurmountable, and prevented the execution of their orders.

Major General St. Clair, in the month of April, sent messages from Fort Harmar to the Delawares, expressive of the pacific designs of the United States to all the Indian tribes.

A treaty was held at the Painted Post, by Colonel Pickering, in June, 1791, with a part of the Six Nations, at which the humane intentions of the General Government towards them particularly, and the Indian tribes generally, were fully explained.

Captain Hendricks, a respectable Indian residing with the Oneidas, appearing zealously disposed to attempt convincing the hostile Indians of their mistaken conduct, was accordingly sent for that purpose, but was frustrated by unforeseen obstacles in his laudable attempts.

The different measures which have been recited, must evince that, notwithstanding the highly culpable conduct of the Indians in question, the Government of the United States, uninfluenced by the resentment or any false principles which might arise from a consciousness of superiority, adopted every proper expedient to terminate the Indian hostilities, without having recourse to the last extremity; and, after being compelled to resort to it, has still kept steadily in view the re-establishment peace, as its primary and sole object.

Were it necessary to add proofs of the pacific and humane dispositions of the General Government towards the Indian tribes, the treaties with the Creeks and with the Cherokees might be cited as demonstrative of its moderation and liberality.

The present partial Indian war is a remnant of the late general war, continued by a number of separate banditti, who, by the incessant practice of fifteen years, seem to have formed inveterate and incurable habits of enmity against the frontier inhabitants of the United States.

To obtain protection against lawless violence, was a main object for which the present Government was instituted: it is, indeed, a main object of all Governments. A frontier citizen possesses as strong claims to protection as any other citizen. The frontiers are the vulnerable parts of every country; and the obligation of the Government of the United States, to afford the requisite protection, cannot be less sacred in reference to the inhabitants of their Western, than to those of their Atlantic frontier.

It will appear, from a candid review of this subject, that the General Government could no longer abstain from attempting to punish the hostile Indians.

The ill success of the attempts for this purpose, is entirely unconnected with the justice or policy of the measure. A perseverance in exertions to make the refractory Indians at last sensible that they cannot continue their enormous outrages with impunity, appears to be as indispensable, in the existing posture of things, as it will be advisable, whenever they shall manifest symptoms of a more amicable disposition, to convince them, by decisive

proofs, that nothing is so much desired by the United States as to be at liberty to treat them with kindness and beneficence.

H. KNOX,

Secretary of War.

WAR DEPARTMENT, Jan. 26, 1792.

DEFEAT OF GENERAL ST. CLAIR.

UNITED STATES, December 12, 1791.

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

It is with great concern that I communicate to you the information received from Major General St. Clair, of the misfortune which has befallen the troops under his command.

Although the national loss is considerable, according to the scale of the event, yet it may be repaired without great difficulty, excepting as to the brave men who have fallen on the occasion, and who are a subject of public as well as private regret.

A further communication will shortly be made of all such matters as shall be necessary to enable the Legislature to judge of the future measures which it may be proper to pursue.

G. WASHINGTON.

A Letter from General St. Clair, dated

FORT WASHINGTON, October 6, 1791.

SIR: I have now the satisfaction to inform you that the Army moved from Fort Hamilton, the name I have given to the fort on the Miami, on the 4th, at eight in the morning, under the command of General Butler.

The order of march and encampment I had regulated before, and on the third returned to this place to get up the militia. They marched yesterday, and consist of but about three hundred men, as you will see by the enclosed abstract of the muster. I have reason to believe, however, that at least an equal number will be up here by the 10th, and I have left orders for their following us. The monthly return should have accompanied this Letter, but it was not ready when I left camp, and has not been forwarded since. I have hitherto found it impossible to reduce the officers commanding corps to punctuality with respect to their returns, but they are mending. Our number, after deducting the garrisons of this place and Fort Hamilton, are about two thousand, exclusive of the militia. I trust, I shall find them sufficient, and should the rest of the militia come on, it will make the matter pretty certain; but the season is now so far advanced, that I fear the intermediate posts, which would, indeed, have been highly necessary, it will be impossible to establish. In that, however, I must be governed by circumstances, of which I will take care that you shall be apprised in due time. Should the enemy come to meet us, which seems to be expected, and be discomfited, there will be no difficulties, but if they expect us at the Miami villages, the business will wear another face, and the intermediate posts become more essential.

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Since the Quartermaster has been here, and got into his geers, which it took him a little time to do, I am very well satisfied with him, and do believe he will answer the description which you was pleased to give me of him; his business seems now to be well arranged.

In order to communicate with some degree of certainty with your office, I have directed Captain Buel, when he arrives, to send a Sergeant and twelve men to a house that has been newly erected, half-way between this place and Lexington, to each of which two men are to be sent off on every Monday morning to carry despatches. Those for the War Office, or any other public letters, to be put into the hands of Mr. Charles Wilkins, merchant of Lexington, who has engaged to forward all I have occasion to send, regularly, once a fortnight; and should you, sir, think proper to use the same route for any of yours, if they are sent to his care, he will forward them to me. I have been led to prefer this channel of communication to that of the river, because it appears to be rather the more certain of two, though it may be a little more tedious, and because desertion continues to prevail among the troops, and the sending small parties to such a distance gives great opportunity to effect it. General Butler informs me that no less than twenty-one went off the night before the Army moved from Fort Hamilton. I am this moment, setting out for the Army, which I hope to overtake to-morrow evening, and will write to you again, as soon after as may be.

With great regard and respect, I have the honor to be, sir, your very humble servant,

ARTHUR ST. CLAIR.

The Hon. H. KNOX, *Secretary of War.*

A Letter from General St. Clair, dated Camp, 81 miles advanced of Fort Washington, November 1, 1791.

SIR: Since I had the honor to write to you on the 21st instant, nothing very material has happened, and indeed, I am at present so unwell, and have been so for some time past, that I could ill detail it, if it had happened, not that that space of time has been entirely barren of incidents, but as few of them have been of the agreeable kind, I beg you to accept a sort of journal account of them, which will be the easiest for me.

On the 22d, the indisposition that had hung about me for some time, sometimes appearing as a bilious cholic, and sometimes as a rheumatic asthma, to my great satisfaction changed to a gout in the left arm and hand, leaving the breast and stomach perfectly relieved, and the cough, which had been excessive, entirely gone. This day, Mr. Ellis, with sixty militia from Kentucky, joined the Army, and brought up a quantity of flour and beef.

23d. Two men taken in the act of deserting to the enemy, and one for shooting another soldier, and threatening to kill an officer, were hanged upon the grand parade, the whole Army being drawn out; since the Army has halted, the country around this, and a-head for fifteen miles, has been well examined, it is a country which, had we arrived a month sooner in it, and with three times

the number of animals, they would have been all fat now.

24th. Named the fort, Jefferson, (it lies in lat. 50. 4. 22 N.) and marched the same Indian path, serving to conduct us about six miles, and encamped on good ground and an excellent position; a rivulet in front and a very large drain, which would at the proper season afford forage for a thousand horses on the left. So ill this day that I had much difficulty in keeping with the Army.

25th. Very hard rains last night, obliged to halt to-day on account of provisions, for though the soldiers may be kept pretty easy in camp under the expectation of provisions arriving, they cannot bear to march in advance, and take none along with them; received a letter from Mr. Hodgson, by express; 1,300 pounds flour will arrive the 27th.

26th. A party of militia, sent to reconnoitre, fell in with five Indians and suffered them to slip through their fingers. In their camp, articles to the value of \$22 were found and divided. The Virginia battalion is melting down very fast, notwithstanding the promises of the men to the officers. Thirteen have been discharged by Colonel Darke to-day.

27th. Gave orders for enlisting the levies, with the condition of serving out their time in the present corps. Payamingo arrived in camp with his warriors. I was so unwell, could only see him and bid him welcome; but entered on no business. Considerable dissatisfaction among the levies about their enlistments.

28th. Some clothing sent for to Fort Washington for the recruits arrived; was begun to be distributed, and will have a good effect; but the enlisting the levies does not meet with the encouragement that might have been expected. It is not openly complained of by the officers, but it is certainly privately by some of high rank; and the measure of tempting them with warm clothing, condemned. Mr. Hodgson writes me, that he is sending forward a quantity of woolen overalls and socks, by General Butler's orders. I have ordered them to be deposited at Fort Jefferson. Some few Indians about us, probably those the militia fell in with a day or two ago. Two of the levies were fired upon about three miles off; one killed; two of the militia likewise. One of them got in, and the other missing, supposed to be taken.

29th. Payamingo and his people, accompanied by Captain Sparks, and four good riflemen, going on a scout, they do not propose to return under ten days, unless they sooner succeed in taking prisoners.

30th. The Army moved about nine o'clock, and with much difficulty made seven miles, having left a considerable part of the tents by the way; the provision made by the Quartermaster for that purpose was not adequate—three days' flour issued to the men, to add the horses that carried it to his arrangements—the Indian road still with us; the course of this day N. 25 W.

31st. This morning about sixty of the militia deserted; it was at first reported that one-half of them had gone off, and that their design was to plunder the convoys which were upon the road.

Defeat of General St. Clair.

I detached the first regiment in pursuit of them, with orders to Major Hamtramck to send a sufficient guard back with Benham (a Commissary) whenever he met with them, and follow them about twenty-five miles below Fort Jefferson, or until he met the second convoy, and then return and join the Army. Benham arrived last night; and to-day, November 1st, the Army is halted to give the road-cutters an opportunity of getting some distance a-head, and that I might write to you. I am this day considerably recovered, and hope that it will turn out, what I at first expected it would be, a friendly fit of the gout come to relieve me from every other complaint.

Yesterday I was favored with your's of the 28th and 29th of September. I have enclosed my communications with the old and new contractors, and their answers. My orders from the posts to them are not yet definitive, but they will be very soon. In the mean time, I expect they are both at work.

With great respect, I have the honor to be, sir, your most obedient servant,

ARTHUR ST. CLAIR.

To the Hon. H. KNOX, *Secretary of War.*

P. S. Your Letters for General Wilkinson and General Scott, Mr. Jones and Mr. Brown, are sent back; and the public thanks, in the name of the **PRESIDENT**, presented to General Wilkinson, agreeably to your directions.

Copy of a Letter from Major General St. Clair, to the Secretary for the Department of War.

FORT WASHINGTON, November 9, 1791.

SIR: Yesterday afternoon the remains of the Army under my command got back to this place, and I have now the painful task to give you an account of as warm, and as unfortunate an action as almost any that has been fought, in which every corps was engaged and worsted, except the first regiment, that had been detached upon a service I had the honor to inform you of in my last despatch, and had not joined me.

On the 3d instant, the Army had reached a creek about twelve yards wide running to the southward of west, which I believe to have been the river St. Mary, that empties into the Miami of the lake; arrived at the village about four o'clock in the afternoon, having marched near nine miles, and were immediately encamped upon a very commanding piece of ground in two lines, having the above-mentioned creek in front, the right wing composed of Butler's, Clarke's, and Patterson's battalions, commanded by Major General Butler, formed the first line, and the left wing consisting of Bedinger's and Gaither's battalions, and the second regiment commanded by Colonel Darke formed the second line, with an interval between them of about seventy yards, which was all the ground would allow.

The right flank was pretty well secured by the creek, a steep bank, and Faulkener's corps, some of the cavalry and their picquets cover the left flank; the militia were thrown over the creek, and advanced about one quarter of a mile, and encamped in the same order; there were a few

Indians who appeared on the opposite side of the creek, but fled with the utmost precipitation on the advance of the militia; at this place, which I judged to be about fifteen miles from the Miami village, I had determined to throw up a slight work, the plan of which was concerted that evening with Major Ferguson, wherein to have deposited the men's knapsacks, and every thing else that was not of absolute necessity, and to have moved on to attack the enemy as soon as the first regiment was come up, but they did not permit me to execute either, for on the 4th, about half an hour before sunrise, and when the men had been just dismissed from the parade (for it was a constant practice to have them all under arms a considerable time before day-light) an attack was made upon the militia; those gave way in a very little time, and rushed into camp, through Major Butler's battalion, which, together with part of Clark's, they threw into considerable disorder, and which, notwithstanding the exertions of both those officers, was never altogether remedied, the Indians following close at their heels; the fire, however, of the front line checked them, but almost instantly a very heavy attack began upon that line, and in few minutes it was extended to the second likewise; the great weight of it was directed against the centre of each where the artillery was placed, and from which the men were repeatedly driven with great slaughter; finding no great effect from our fire, and confusion beginning to spread from the great number of men who were falling in all quarters, it became necessary to try what could be done by the bayonet.

Lieutenant Colonel Darke was accordingly ordered to make a charge with part of the second line, and to turn the left flank of the enemy. This was executed with great spirit. The Indians instantly gave way, and were driven back three or four hundred yards; but, for want of a sufficient number of riflemen to pursue this advantage, they soon returned, and the troops were obliged to give back in their turn. At this moment, they had entered our camp by the left flank, having pursued back the troops that were posted there.

Another charge was made here by the second regiment, Butler's and Clark's battalions, with equal effect, and it was repeated several times, and always with success; but in all of them many men were lost, and particularly the officers, which, with some raw troops, was a loss altogether irremediable. In that I just spoke of, made by the second regiment and Butler's battalion, Major Butler was dangerously wounded, and every officer of the second regiment fell, except three, one of which, Mr. Greaton, was shot through the body.

Our artillery being now silenced, and all the officers killed, except Captain Ford, who was badly wounded, more than half of the Army fallen, being cut off from the road, it became necessary to attempt the regaining it, and to make a retreat, if possible. To this purpose, the remains of the Army were formed, as well as circumstances would admit, towards the right of the encampment; from which, by the way of the second

Defeat of General St. Clair.

line, another charge was made upon the enemy, as if with the design to turn their right flank, but, in fact, to gain the road; this was effected; and, as soon as it was open, the militia took along it, followed by the troops, Major Clark, with his battalion, covering the rear.

The retreat, in those circumstances, was, you may be sure, a very precipitate one: it was, in fact, a flight. The camp and the artillery were abandoned, but that was unavoidable, for not a horse was left alive to have drawn it off, had it otherwise been practicable. But the most disgraceful part of the business is, that the greatest part of the men threw away their arms and accoutrements, even after the pursuit, which continued about four miles, had ceased. I found the road strewed with them for many miles, but was not able to remedy it; for, having had all my horses killed, and being mounted upon one that could not be pricked out of a walk, I could not get forward myself, and the orders I sent forward, either to halt the front, or to prevent the men from parting with their arms, were unattended to. The route continued quite to Fort Jefferson, 29 miles, which was reached a little after sun-setting. The action began about half an hour before sunrise, and the retreat was attempted at half an hour after nine o'clock.

I have not yet been able to get returns of the killed and wounded; but Major General Butler, Lieutenant Colonel Oldham, of the militia, Major Ferguson, Major Hart, and Major Clarke, are among the former. Colonel Sargent, my Adjutant General, Lieutenant Colonel Darke, Lieutenant Colonel Gibson, Major Butler, and the Viscount Malertie, who served me as an aid-de-camp, are among the latter, and a great number of Captains and subalterns in both.

I have now, sir, finished my melancholy tale—a tale that will be felt sensibly by every one that has sympathy for private distress, or for public misfortune. I have nothing, sir, to lay to the charge of the troops but their want of discipline, which, from the short time they had been in service, it was impossible they should have acquired, and which rendered it very difficult, when they were thrown into confusion, to reduce them again to order, which is one reason why the loss has fallen so heavy upon the officers, who did every thing in their power to effect it. Neither were my own exertions wanting; but, worn down with illness, and suffering under a painful disease, unable either to mount or to dismount a horse without assistance, they were not so great as they otherwise would, and perhaps ought, to have been. We were overpowered by numbers, but it is no more than justice to observe, that, though composed of so many different species of troops, the utmost harmony prevailed through the whole Army during the campaign.

At Fort Jefferson, I found the first regiment, which had returned from the service they had been sent upon, without either overtaking the deserters, or meeting the convoy of provisions. I am not certain, sir, whether I ought to consider the absence of this regiment from the field of ac-

tion as fortunate or otherwise. I incline to think it was fortunate; for I very much doubt whether, had it been in the action, the fortune of the day had been turned: and, if it had not, the triumph of the enemy would have been more complete, and the country would have been destitute of every means of defence.

Taking a view of the situation of our broken troops at Fort Jefferson, and that there were no provisions in the fort, I called on the field officers, viz: Lieutenant Colonel Darke, Major Hamtramck, Major Zeigler, and Major Gaither, together with the Adjutant General, for their advice what would be proper further to be done; and it was their unanimous opinion that the addition of the first regiment, unbroken as it was, did not put the Army on so respectable a footing as it was in the morning, because a great part of it was now unarmed; that it had been then found unequal to the enemy, and, should they come on, which was probable, would be found so again; that the troops could not be thrown into the fort, both because it was too small, and that there were no provisions in it; that provisions were known to be upon the road, at the distance of one, or, at most, two marches; that, therefore, it would be proper to move, without loss of time, to meet the provisions when the men might have the sooner an opportunity of some refreshment, and that a proper detachment might be sent back with it, to have it safely deposited in the fort. This advice was accepted, and the Army was put in motion again at ten o'clock, and marched all night, and the succeeding day met with a quantity of flour; part of it was distributed immediately, part taken back to supply the Army on the march to Fort Hamilton, and the remainder, about fifty horse-loads, sent forward to Fort Jefferson. The next day a drove of cattle was met with for the same place; and I have information that both got in. The wounded who had been left at that place were ordered to be brought here by the return of the horses.

I have said, sir, in a former part of this letter, that we were overpowered by numbers; of that, however, I have no evidence: but the weight of the fire, which was always a most deadly one, and generally delivered from the ground, few of the enemy showing themselves afoot, except when they were charged, and that, in a few minutes, our whole camp, which extended above three hundred and fifty yards in length, was entirely surrounded and attacked on all quarters.

The loss, sir, the public has sustained, by the fall of so many officers, particularly General Butler and Major Ferguson, cannot be too much regretted; but it is a circumstance that will alleviate the misfortune in some measure, that all of them fell most gallantly, doing their duty. I have had very particular obligations to many of them, as well as to the survivors; but to none more than to Colonel Sargent. He has discharged the various duties of his office with zeal, with exactness, and with intelligence; and, on all occasions, afforded me every assistance in his power, which I have also experienced from my Aid-de-camp, Lieu-

Reduction of the Public Debt.

tenant Denny, and the Viscount Malertie, who served with me in the station as a volunteer.

With every sentiment of respect and regard, I have the honor to be, sir, your most obedient servant,

ARTHUR St. CLAIR.

The Hon. H. KNOX, *Secretary of War.*

P. S.—Some orders that had been given to Colonel Oldham over night, and which were of much consequence, were not executed, and some very material intelligence was communicated by Captain Slough to General Butler, in the course of the night before the action, which was never imparted to me, nor did I hear of it until after my arrival here.

List of the killed and wounded officers in the battle of the 4th of November, 1791.

KILLED.

Major General Richard Butler; Colonel Oldham, Kentucky Militia; Majors Ferguson, Clarke, and Hart; Captains Bradford, Phelan, Kirkwood, Price, Van Swearingen, Tipton, Smith, Purdy, Piatt, Guthrie, Cribbs, and Newman; Lieutenants Spear, Warren, Boyd, MacMath, Burgess, Kelso, Read, Little, Happer, and Lickins; Ensigns Cobb, Balch, Chace, Turner, Wilson, Brooks, Beatty, and Purdy; Quartermasters Reynolds and Ward; Adjutant Anderson; Doctor Grasson.

WOUNDED.

Lieutenant Colonels Gibson, Darke, and Sargent, adjutant general; Major Butler; Captains Doyle, Trueman, Ford, Buchanan, Darke, and Slough; Lieutenants Groaton, Davidson, De Butts, Price, Morgan, McCrae, Lysle, and Thompson; Adjutants Whistler and Crawford; Ensign Bines; the Viscount Malertie, volunteer aid-de-camp to Major General St. Clair.

REDUCTION OF THE PUBLIC DEBT.

The SECRETARY OF THE TREASURY, in obedience to the order of the House of Representatives of the 19th instant, respectfully makes the following Report:

At the close of the year 1790 there was a considerable surplus of revenue beyond the objects of expenditure which had required a provision to that period; which surplus, by an act of the 12th of August in that year, was appropriated to the reduction of the Public Debt. The statement (A) herewith submitted will show, in one view, all the sums which, according to the establishments heretofore made, and corresponding appropriations, have required and will require to be defrayed, from the beginning of the year 1791 to the end of the year 1792, amounting together to \$7,082,197 74. The statement (B) will also show, in one view, the nett product of all the public revenues for the same period, according to the best calculation and estimate which can now be formed of it, amounting to \$7,029,755 26 cents. The statement (C) exhibits a summary of the total annual expenditure of the United States, in conformity to exist-

ing establishments, amounting to \$3,688,043 50. The statement (B) includes a view of the probable product, during the year 1792, of the existing revenues of the United States, amounting to \$3,700,000. From these statements will result substantially the information which is desired by the House of Representatives, as far as it is now in the power of the Secretary to give it. One or two matters, however, may be proper to be added, with a view to greater accuracy. There are certain instances in which the estimates for appropriations have exceeded, and will exceed, the sums actually expended. Hence the apparent excess of the expenditure, as exhibited in the statement, (A) beyond the product of the revenue, as shown in the statement, (B,) will probably not be found real. But the amount of these surplusses or overestimate is not stated, because it is not, and, in some cases, cannot now be ascertained, and it is not likely to be very considerable; and because, if it should do more than counterbalance the excess alluded to, it will be safest to set off the surplus against those contingent demands which from time to time occur. No deduction has been made from the annual interest on account of the Debt purchased. This has proceeded from a supposition that it will be deemed expedient by the Legislature to appropriate inviolably the interest of any part of the Debt which shall be at any time extinguished towards the extinction of the remainder. This point will be more particularly submitted in a Report on the subject of the Public Debt. All which is humbly submitted.

ALEXANDER HAMILTON,

Secretary of the Treasury.

TREASURY DEPARTMENT, *January 23, 1792.*

A.

Statement of expenditures made and to be made pursuant to appropriations heretofore made in conformity to the existing establishments of the United States, from the beginning of the year 1791 to the end of the year 1792, viz:

Amount of moneys appropriated by an act of the 11th February, 1791, making appropriations for the support of Government during the year 1791, and for other purposes	\$740,333 60
Sum appropriated by an act of the 3d of March, 1791, towards effecting a recognition of the treaty with the Emperor of Morocco	90,000 00
Sum appropriated by an act of the same date for raising another regiment, and making a further provision for the protection of the frontiers	312,686 26
Amount of moneys appropriated by an act of the 23d of December last past, making provision, among other things, for the support of Government for the year 1792	1,059,323 81
Sum to be advanced pursuant to the act making provision for defraying the intercourse between the United States and foreign nations	40,000 00

3,173,141 61

Reduction of the Public Debt.

Amount of one year's interest on the Public Debt, foreign and domestic, during the year 1791	- \$2,060,861 40
Amount of one year's interest on the Public Debt, foreign and domestic, (including that of the respective States assumed,) during the year 1792	- 2,849,194 73
	<u>4,910,056 13</u>
Total expenditure to the end of the year 1792	- 7,062,197 74

ALEXANDER HAMILTON,
Secretary of the Treasury.

TREASURY DEPARTMENT, January 23, 1792.

B.

Estimate of the nett product of the public revenues during the years 1791 and 1792.

IMPORT DUTIES FOR 1791.

Quarter ending 31st March	- \$314,881 11
Quarter ending 30th June, (A)	- 1,245,393 49
Quarter ending 30th September	- 919,570 66
Quarter ending 31st December, (B)	- 660,000 00
	<u>3,179,755 26</u>
Total nett products for 1791, of imports	- 3,179,755 26
Duties on home-made spirits, from the 1st July to the last of December, (C)	- 150,000 00
	<u>3,329,755 26</u>
Total nett revenue, 1791	- 3,329,755 26
Duties on imports for the year 1792 estimated at, (D)	- \$3,300 00
Duties on home-made spirits for the same year estimated at (E)	- 400,000 00
	<u>3,700,000 00</u>
Total of nett revenue for the years 1791 and 1792	- 7,029,755 26

Notes to statement, (B.)

(A.) The produce of these three quarters may be considered as ascertained. Though returns have not been received from all the ports for the entire period, yet so many have been received (including the principal ports) as to have admitted of a calculation, with regard to the rest, not liable to material error. The produce for the year 1790 has served as a guide in respect to ports from which returns have not been received.

(B.) The sum here stated is altogether upon estimate, the time which has elapsed since the end of the quarter not admitting of the proper documents. It exceeds the produce of the same quarter for the preceding year \$55,773 19. If the ratio of increase of any preceding quarter during the year 1791 had been applied to this quarter, the sum would have been considerably greater. But it is believed that this would not furnish a just rule. It is understood that the importations for the last quarter of 1790 were much increased to avoid the additional duties which were to take place on the first day of the year 1791. And,

though the additional duty on distilled spirits might at first view be expected to add to the product for the quarter in question, yet it is far from certain that this was the effect of it. Extraordinary exertions were made to import distilled spirits prior to July, when the additional duty took effect, which may be supposed to have lessened the quantity afterwards, so as to leave it a question whether this article was more or less productive in that quarter than in the same quarter of the former year. Making allowance for these circumstances, it does not appear probable that the last quarter of 1791 will exceed the last quarter of 1790 in so great a proportion as any of the preceding corresponding quarters.

(C.) This sum is materially short of the originally-estimated product; but, from the returns hitherto received, it does not appear likely to be greater. This is owing partly to a decreased distillation of spirits from foreign materials, in consequence of a sudden rise in the price of molasses, and partly to the obstacles which have retarded the complete execution of the law.

(D.) The sum here estimated cannot, in the nature of the thing, be accurate. It includes a compromise of opposite considerations. First, it contemplates an additional sum for the additional duty on imported spirits, which will be fully operative during the present year. Secondly, it contemplates the possibility that the disturbances in Hispaniola may tend to diminish the supply of several articles which are objects of considerable duties, and may proportionably diminish the revenue. Hence about one-third of the probable increase of the duties on spirits is added to the produce of the year 1791, and the aggregate is taken as the produce of the year 1792, abating two-thirds of that increase as an equivalent for other deficiencies.

(E.) The same disturbances in Hispaniola may be expected to diminish the product of the duties on home-made spirits, by considerably reducing the supply of molasses; which, added to the obstacles already alluded to, (and which it will require yet some time completely to surmount,) cannot fail to render the real product of these duties, in the course of the present year, materially less than the estimated product. Accordingly, an abatement of about one-third is made in the present estimate.

ALEXANDER HAMILTON,

Secretary of the Treasury.

TREASURY DEPARTMENT, January 23, 1792.

C.

Estimate of annual expenditure on the ground of existing establishments, viz :

For the support of the civil establishments of Government, including \$40,000 for foreign affairs	- \$368,653 56
Stated expenditure of the War Department, including \$25,000 for Indian affairs	- 323,791 61
Pensions to invalids	- 87,463 69
	<u>682,948 77</u>

Loans.

Interest on the Public Debt, foreign and domestic, including the amount of the State debts assumed - - -	2,849,194 73
Total annual expenditure - - -	3,688,043 50

ALEXANDER HAMILTON,
Secretary of the Treasury.

TREASURY DEPARTMENT, January 23, 1792.

THE PUBLIC DEBT.

TREASURY DEPARTMENT, Feb. 6, 1792.

SIR: I have the honor to send herewith a Report on the subject of the Public Debt, pursuant to the order of the House of Representatives of the first of November, 1791, and to subsequent references therein mentioned; and to be, with perfect respect, sir, your most obedient and most humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

The Hon. the SPEAKER
of the House of Representatives.

TREASURY DEPARTMENT, Jan. 23, 1792.

Pursuant to the order of the House of Representatives of the first of November, 1791, directing the Secretary of the Treasury "to report to the House the amount of the subscriptions to the loans proposed by the act making provision for the Public Debt, as well in the debts of the respective States as in the Domestic Debt of the United States, and of the parts which remain unsubscribed, together with such measures as are, in his opinion, expedient to be taken on the subject," the said Secretary respectfully submits the following Report:

I. The whole amount of the Domestic Debt of the United States, principal and interest, which has been subscribed to the loan proposed concerning that Debt, by the act entitled "An act making provision for the Debt of the United States," according to the statement herewith transmitted, marked A, and subject to the observations accompanying that statement, is \$31,797,481 22.

Which, pursuant to the terms of that act, has been converted into stock bearing an immediate interest of six per cent. per annum \$14,177,450 43

Stock bearing the like interest from the first of January, 1801,	7,088,727 79
Stock bearing an immediate interest of three per cent. per annum - - -	10,531,303 00
Total - - -	\$31,797,481 22

Of which there stands to the credit of the Trustees of the Sinking Fund, in consequence of purchases of the Public Debt, made under their direction, the sum of \$1,131,364 76.

The unsubscribed residue of the said Debt, according to the statements herewith transmitted, marked B and C, and subject to the observations accompanying the statement C, appears to amount to \$10,616,604 65.

Consisting of registered Debt, principal and interest - - -	\$6,795,815 26
Unsubscribed stock on the books of the Commissioners of Loans for New Jersey, Pennsylvania, and Maryland, principal and interest - - -	15,674 62
Credits on the books of the Treasury, for which no certificates have been issued, principal and interest - - -	107,648 63
Outstanding or floating evidences of Debt estimated, per statement C, at - - -	3,697,466 14
Total - - -	\$10,616,604 65

Concerning which, some farther arrangement is necessary.

The greatest part of the registered Debt, hitherto unsubscribed, is owned by citizens of foreign countries; most, if not all, of whom appear now disposed to embrace the terms held out by the act above mentioned; extensive orders having been received from those creditors to subscribe to the loan, after the time for receiving subscriptions had elapsed.

A considerable part of the outstanding or floating Debt consists of loan-office certificates, issued between the first of September, 1777, and the first of March, 1778, bearing interest on the nominal sum. Many of the holders of this species of Debt have come in upon the terms of this act, but others have hitherto declined it; alleging that the special nature of their contract gives a peculiarity to their case, and renders the commutation proposed not so fair an equivalent to them as in other instances. They also complain that the act has had, towards them, a compulsory aspect, by refusing the temporary payment of interest unless they should exchange their old for new certificates, essentially varying the nature of their contract.

A resolution of Congress of the 10th of September, 1777, stipulates in favor of this class of creditors, interest upon the nominal instead of the real principal of their Debt, until that principal be discharged. This certainly renders their contract of a nature more beneficial than that of other creditors; but they are, at the same time, liable to be divested of the extra benefit it gives them by a payment of their specie dues; and it may be observed, that they have actually enjoyed, and by accepting the terms offered to them were enabled to realize, advantages superior to other creditors. They have been paid interest by bills on France, from the 10th of September, 1777, to the 1st of March, 1782, while other creditors received their interest in depreciated bills of the old emissions; and the terms of the loan proposed put it in their

Loans.

power to realize the benefit of interest on the nominal amount of their respective debts, at rates from six and twenty-one hundredths nearly to ten and forty-seven one hundredths per cent., on their real or specie capital, down to the last of December, 1790.

It does not, therefore, appear to have been an unreasonable expectation that they, as readily as any other description of public creditors, would have acquiesced in a measure calculated for the accommodation of the Government, under circumstances in respect to which it has been demonstrated, by subsequent events, that the accommodation desired was consistent with the best interest of the public creditors. A large proportion of the parties interested have, indeed, viewed the matter in this light, and have embraced the proposition. It is probable that the progress of things will satisfy the remainder that it is equally their interest to concur, if a farther opportunity be afforded. But it is, nevertheless, for themselves only to judge how far the equivalent proposed is in their case a reasonable and fair one; how far any circumstances in their claim may suggest reasons for moderation on their part; or how far any other motives, public or private, ought to induce an acceptance. And the principles of good faith require that their election should be free.

On this ground, the complaint which regards the withholding of a temporary payment of interest, except on the condition of surrender of the old certificates for new ones, importing a contract substantially different, appears to the Secretary not destitute of foundation. He presumes that the operation of that provision, in the particular case, was not adverted to; or, that an exception would have been introduced as most consonant with the general spirit and design of the act. Accordingly, the further measures which will be submitted will contemplate a method of obviating the objection in question.

From the consideration that an extension of the time for receiving stipulations, upon the terms of the act making provision for the Debt of the United States, is desired by a large proportion of the non-subscribing creditors; and from the further consideration that sufficient experience has not yet been had of the productiveness of a considerable branch of the revenues which have been established, to afford the light necessary to a final arrangement, it is, in the judgment of the Secretary, advisable to renew the proposition for a loan in the Domestic Debt, on the same terms with the one which has been closed, and to allow time for receiving subscriptions to it until the last day of September next, inclusively; making provision for a temporary payment of interest to such who may not think fit to subscribe, for the year 1792, of the like nature with that which was made in the same case for the year 1791—except as to the holders of Loan-office certificates, issued between the 1st of September, 1777, and the 1st of March, 1778; in respect to whom it is submitted as proper to dispense with the obligation of exchanging

their old certificates for new, as the condition of their receiving interest in capacity of non-subscribers, and to allow them, without such exchange, to receive the same interest, both for the years 1791 and 1792, as if they had subscribed to the first loan. It will not be materially difficult so to regulate the operation at the Treasury as to avoid, in the particular case, that danger of imposition by counterfeits, which was the motive to the general provision for an exchange of certificates.

II. The amount of the subscriptions in the Debts of the respective States, within the limits of the sum assumed in each, appears by the statement marked D to be \$17,072,334 39, subject to the observations accompanying that statement. Consequently, the difference between the aggregate of the sums subscribed, and the aggregate of the sums assumed, is \$4,427,665 61.

This difference is to be attributed to several causes, the principal of which are the following: First, that the sums assumed in respect to certain States, exceeded the actual amount of their existing debts. Second, that in various instances a part of the existing Debt was in a form which excluded it from being received without contravening particular provisions of the law—as in the case of certificates issued after the 1st day of January, 1790, in lieu of certificates which had been issued prior to that period, which was reported upon by the Secretary on the 25th day of February last. Third, ignorance of, or inattention to, the limitation of time for receiving subscriptions. It appears that a number of persons lost the opportunity of subscribing from the one or the other of these causes.

A strong desire that a further opportunity may be afforded for subscriptions in the debts of the States, has been manifested by the individuals interested. And the States of Rhode Island and New Hampshire have, by the public acts referred to the Secretary, indicated a similar desire. The affording of such further opportunity may either be restricted within the limit as to amount, which is contemplated by the act itself, or may receive an extension which will embrace the residuary debts of the States.

The first may be considered as nothing more than giving full effect to a measure already adopted. The last appears to have in its favor all the leading inducements to what has been already done. The embarrassments which might arise from conflicting systems of finance are not entirely obviated. The efficacious command of the national resources for national exigencies, is not unequivocally secured. The equalizing of the condition of the citizens of every State, and exonerating those of the States most indebted, from partial burdens which would press upon them in consequence of exertions in a common cause, is not completely fulfilled. until the entire Debt of every State, contracted in relation to the war, is embraced in one general and comprehensive plan. The inconvenience to the United States of disburdening the States, which are still encumbered with considerable debts, would bear no proportion

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to the inconvenience which they would feel if left to struggle with those debts unaided. More general contentment, therefore, in the public mind may be expected to attend such an exoneration, than the reverse, in proportion as the experience of actual inconvenience would be greater, though only applicable to parts, in the one than in the other case.

With regard to States, parts only of the debts of which have been assumed, and in proportions short of those which have prevailed in favor of States, and other short also of what would have resulted from a due apportionment of the entire sum assumed, the claim to a further assumption is founded on considerations of equal justice, as relative to the measure itself, considered in a separate and independent light.

But there is a further reason of material weight for an immediate general assumption. Moneyed men, as well foreigners as citizens, through the expectation of an eventual assumption, or that in some shape or other a substantial provision will be made for the unassumed residue of the State debts, will be induced to speculate in the purchase of them. In proportion as the event is unsettled, or uncertain, the price of the article will be low, and the present proprietors will be under disadvantage in the sale. The loss to them in favor of the purchasers is to be regarded as an evil; and, as far as it is connected with a transfer to foreigners, at an undervalue, it will be a national evil. By whatsoever authority an ultimate provision may be made, there will be an absolute loss to the community equal to the total amount of such undervalue.

It may appear an objection to the measure, that it will require an establishment of additional funds by the Government of the United States. But this does not seem to be a necessary consequence. The probability is, that without a supplementary assumption, an equal, or very nearly equal augmentation of funds will be requisite to provide for greater balances, in favor of certain States, which would be proportionably diminished by such assumption. The destination, not the quantum of the fund, will, therefore, be the chief distinction between the two cases.

It may also appear an objection to a total assumption, that the magnitude of the object is not ascertained with precision. It is not certainly known what is the sum due in each State, nor has it been possible to acquire the information, owing to different causes. But, though precise data are deficient, there are materials which will serve as guides. From the returns received at the Treasury, assisted by information in other ways, it may be stated, without danger of material error, that the remaining debts of the States, over and above the sums already subscribed, will not exceed the amounts specified in statement D, accompanying this Report; and that, including sums already subscribed, the total amount to be ultimately provided for, in the event of a general assumption, will not exceed \$25,403,362 71, which would constitute an addition of \$3,903,362 71 to the sum of \$21,500,000, already assumed. Should

a total assumption be deemed eligible, it may still be advisable to assign a determinate sum for each State, that the utmost limit of the operation may be pre-established; and it is necessary in order to the certainty of a due provision, in proper time, that interest should not begin to be payable, on the additional sums assumed, until after the year 1792. It will occur, that provision has been made for paying to each State, in trust for its non-subscribing creditors, an interest upon the difference between the sum assumed for such State, and that actually subscribed, equal to what would have been payable, if it had been subscribed.

In the event of a further assumption, either within the limits already established, or commensurate with the remaining debts of the States, it is conceived that it will not be incompatible with the provision just mentioned, to retain, at the end of each quarter, during the progress of the further subscription, out of the money directed to be paid to each State, a sum corresponding with the interest upon so much of its debts as shall have been subscribed to that period, paying the overplus, if any, to the State. An absolute suspension of that payment does not appear consistent with the nature of the stipulation included in that provision; for, though the money to be paid to a State be expressly a trust for the non-subscribing creditors, yet, as it cannot be certain beforehand that they will elect to change their condition, the possibility of it will not justify a suspension of payment to the State, which might operate as suspension of payment to the creditors themselves.

A further objection to such a suspension results from the idea that the provision in question appears to have a secondary object, namely: as a pledge for securing a provision for whatever balance may be found due to a State on the general settlement of accounts. The payment directed to be made to a State is "to continue *until* there shall be a settlement of accounts between the United States and the individual States; and, in case a balance should then appear in favor of a State, until provision shall be made for the said balance." This secondary operation as a pledge or security (consistently with the intent of the Funding Act) can only be superseded in favor of the primary object, a provision for the creditors, and, as far as may be necessary, to admit them to an effectual participation of it. But, as whatever money may be paid to a State is to be paid over to its creditors, proportional deductions may, with propriety, be made from the debts of those creditors who may hereafter subscribe, so as that the United States may not have to pay twice for the same purpose.

If it shall be judged expedient, either to open again, or extend the assumption, it will be necessary to vary the description of the debts, which may be subscribed, so as to comprehend all those which have relation to services or supplies during the war, under such restrictions as are requisite to guard against abuse.

In the original proposition for an assumption of the State debts, and in the suggestions now made on the same subject, the Secretary has contem-

Loans.

plated, and still contemplates, as a material part of the plan, an effectual provision for the sale of the vacant lands of the United States. He has considered this resource as an important mean of sinking a part of the Debt, and facilitating ultimate arrangements concerning the residue. If supplementary funds shall be rendered necessary by an additional assumption, the provision will most conveniently be made at the next session of Congress, when the productiveness of the existing revenues, and the extent of the sum to be provided for will be better ascertained.

There is a part of the Public Debt of the United States which is a cause of some perplexity to the Treasury. It is not comprehended within the existing provision for the Foreign debt, which is confined to loans made abroad; and it is questionable whether it is to be regarded as a portion of the Domestic debt. It is not only due to foreigners, but the interest upon it is payable, by express stipulation, in a foreign country; whence it becomes a matter of doubt, whether it be at all contemplated by the act making provision for the Debt of the United States. The part alluded to is that which is due to certain foreign officers who served the United States during the late war. In consequence of a resolution of Congress, directing their interest to be paid to them in France, the certificates which were issued to them specify that "in pursuance of, and compliance with, a certain resolution of Congress of the third day of February, 1784, the said interest is to be paid annually, at the house of Monsieur Le Grand, banker, in Paris." Interest has accordingly been paid to them at Paris, down to the 31st of December, 1788, by virtue of a special resolution of Congress, of the 20th of August in that year; since which period, no payment has been made.

It has been heretofore suggested, as the opinion of the Secretary, that it would be expedient to cause the whole of this description of debt to be paid off, among other reasons, because it bears an interest at six per centum per annum, payable abroad, and can be discharged with a saving. The other reasons alluded to are of a nature both weighty and delicate, and too obvious, it is presumed, to need a specification. Some recent circumstances have served to strengthen the inducements to the measure; but, if it should finally be deemed inadvisable, it is necessary, at least, that provision should be made for the interest, which is now suspended, under the doubt that has been stated, and from the want of authority to remit it pursuant to the contract. The amount of this debt, with the arrears of interest to the end of the year 1791, is \$220,646 81.

IV. The act making provision for the Debt of the United States has appropriated the proceeds of the Western lands as a fund for the discharge of the Public Debt. And the act making provision for the reduction of the Public Debt has appropriated all the surplus of the duties on imports and tonnage, to the end of the year 1790, to the purpose of purchasing the Debt at the market price, and has authorized the President to borrow the further sum of \$2,000,000 for the same object.

These measures serve to indicate the intention of the Legislature, as early and as fast as possible, to provide for the extinguishment of the existing Debt. In pursuance of that intention, it appears advisable that a systematic plan should be begun for the creation and establishment of a Sinking Fund.

An obvious basis of this establishment, which may be immediately contemplated, is the amount of the interest on so much of the Debt as has been or shall be, from time to time, purchased or paid off, or received in discharge of any debt or demand of the United States, made payable in public securities, over and above the interest of any new debt, which may be created in order to such purchase, or payment.

The purchases of the Debt already made have left a sum of interest in the Treasury, which will be increased by future purchases, certain sums payable to the United States in their own securities, will, when received, have a similar effect. And there is ground to calculate on a saving upon the operations which are in execution with regard to the Foreign debt. The sale of the Western lands, when provision shall be made for it, may be expected to produce a material addition to such a fund.

It is, therefore, submitted that it be adopted as a principle, that all interest which shall have ceased to be payable, by any of the means above specified, shall be set apart and appropriated in the most firm and inviolable manner, as a fund for sinking the Public Debt, by purchase or payment; and that the said fund be placed under the direction of the officers named in the second section of the act making provision for the reduction of the Public Debt, to be by them applied towards the purchase of the said Debt, until the annual produce of the said fund shall amount to two per cent. of the entire portion of the Debt which bears a present interest of six per centum, and thenceforth to be applied towards the redemption of that portion of the Debt, according to the right which has been reserved to the Government.

It will deserve the consideration of the Legislature, whether this fund ought not to be so vested as to acquire the nature and quality of a proprietary trust, incapable of being diverted without a violation of the principles and sanctions of property.

A rapid accumulation of this fund would arise from its own operation; but it is not doubted that the progressive development of the resources of the country, and a reduction of the rate of interest, by the progress of public credit, already exemplified in a considerable degree, will speedily enable the Government to make important additions to it, in various ways. With due attention to preserve order and cultivate peace, a strong expectation may be indulged, that a reduction of the Debt of the country will keep pace with the reasonable hopes of its citizens.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Loans.

A.

Statement of the Debt of the United States, funded agreeably to the act of Congress of the 4th of August, 1790, at the Treasury and the several Loan Offices, from the 1st of October, 1790, to the 30th of September, 1791.

	Funded 6 per cent. stock.	Deferred 6 per cent. stock.	Funded 3 per cent. stock.	Total amount.
Treasury - - - -	\$5,184,041 41	\$2,592,018 72	\$3,973,865 10	\$11,749,925 23
New Hampshire - - -	191,322 44	95,661 22	147,423 35	434,407 01
Massachusetts - - -	2,126,062 40	1,063,034 94	1,984,457 41	5,173,554 75
Rhode Island - - -	279,609 72	139,803 55	179,577 71	598,990 98
Connecticut - - -	461,644 31	230,823 38	342,760 99	1,035,228 68
New York - - - -	2,204,016 07	1,102,012 12	1,643,224 96	4,949,253 15
New Jersey - - - -	472,728 51	236,358 96	271,749 71	980,837 18
Pennsylvania - - -	1,871,455 80	935,730 39	865,216 21	3,672,402 40
Delaware - - - -	26,191 19	13,095 64	16,242 75	55,529 58
Maryland - - - -	717,818 71	358,903 15	621,188 48	1,697,910 34
Virginia - - - -	453,079 69	226,996 35	343,128 22	1,024,104 26
North Carolina - - -	13,064 03	6,531 77	9,398 35	28,994 75
South Carolina - - -	135,366 33	67,682 68	96,060 87	299,109 88
Georgia - - - -	40,149 82	20,074 92	37,008 29	97,233 03
	14,177,450 43	7,088,727 79	10,531,303 00	31,797,481 22

The amount of stock funded at the Treasury to 30th September, 1791, has been ascertained with accuracy; but, at that time, many subscriptions had been made, which have not yet been adjusted for want of proper powers of attorney, and other documents. It is, therefore, probable that, on settlement of all the Loans, the amount will be found somewhat different from what is now represented.

The sums funded at the several Loan Offices, it is presumed, are ascertained with accuracy; but, as the loans had not been adjusted in all instances when the returns were made, some immaterial differences will probably hereafter appear.

TREASURY DEPARTMENT, REGISTER'S OFFICE, September 30, 1791.

JOSEPH NOURSE, Register.

B.

Statement of the Registered and Unsubscribed Debt of the United States, which remained unfunded upon the close of the Loan on the 30th September, 1791.

REGISTERED OR UNFUNDED DEBT.

The amount of this debt, as stated to Congress on the 3d of March, 1789, was - - - - -	\$4,566,402 78
There were Treasury certificates issued in exchange for Loan Office settlement certificates, cancelled by the Auditor of the Treasury, from the 3d of March, 1789, to the 30th of April, 1791 - - - - -	4,716,376 45
There have been certificates issued to invalid pensioners and others entitled thereunto, on final settlement, in pursuance of acts of Congress of the present and late Government - - - - -	134,883 18
	<u>9,449,722 41</u>

Of the said debt, there has been loaned as follow, viz :

From the opening of the Loan to the 31st of March, 1791 - - - - -	\$1,371,978 37
From the 1st April to 30th June, 1791 - - - - -	1,088,466 60
From the 1st July to 30th September - - - - -	1,611,194 82
	<u>4,071,639 79</u>

Which, being deducted, leaves a balance—principal sum due the several creditors on the Treasury books - - - - - 5,378,082 62

Loans:

The interest on said Debt to December 31, 1790, is as follows, viz :
 Arrearages to the 31st December, 1787 - \$479,877 88
 Three years' interest, from 1st January, 1788, to 31st
 December, 1790 - 988,064 76

1,417,732 64

Registered Debt, principal and interest - - - - - \$6,795,815 28

UNSUBSCRIBED DEBT.

The Debt unsubscribed upon the books, New Jersey, Pennsylvania,
 and Maryland, amounts to - - - - - \$12,539 70
 Interest - - - - - 3,134 92

15,674 62

Credits on the Treasury books to invalid pensioners and several
 corps, for which certificates of Registered Debt are yet to be issued.

INVALID PENSIONERS.

For the amount due to them under the act of Congress providing for
 the payment of their arrearages - - - - - \$56,152 78

The following corps have credit on the Treasury books, being for cer-
 tain certificates of final settlement, returned to the Treasury and
 cancelled, and which certificates had issued to non-commissioned
 officers and soldiers of said corps, respectively, for their pay:

Fourth regiment Pennsylvania artillery - - - - -	\$846 37
Corps of light dragoons - - - - -	1,009 83
Invalid regiment - - - - -	3,803 35
Artillery officers - - - - -	386 28
Willet's regiment - - - - -	2,565 42
Hazen's regiment - - - - -	11,287 49
Baldwin's regiment of artificers - - - - -	281 28
Corps of sappers and miners - - - - -	416 93
Armand's legion - - - - -	834 17
Lee's legion - - - - -	593 17
Fourth Pennsylvania regiment, Captain North's com- pany - - - - -	\$487 67
Fourth Pennsylvania regiment, Captain Lacy's com- pany - - - - -	1,062 97
	1,550 64
Franklin's company of militia - - - - -	280 67

Individual creditors of the States of Pennsylvania and Maryland
 have credit on the Treasury books, being for certificates of final set-
 tlement, returned to the Treasury and cancelled, and which certifi-
 cates had issued to them respectively.

By Benjamin Steele, Commissioner of Pennsylvania. \$5,436 66
 John White, Maryland - - - - - 693 89

6,130 55

Interest on the foregoing credits - - - - -

86,118 91

21,529 72

107,648 62

6,919,138 51

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 30, 1791.

JOSEPH NOURSE, *Register.*

C.

Estimate of the Outstanding Debt, on the 30th of September, 1791, viz:

The amount of the Domestic Debt of the United States, as stated by the Secretary of the Treasury, in his Report of the 9th of January, 1790, to the House of Representatives, relative to a provision for the support of the public credit, is as follows:

Loans.

Liquidated and Loan Office debt, as per schedule C	-	-	-	\$27,383,917	67
Interest thereon to the 31st of December, 1790, per schedule D	-	-	-	13,030,168	26
Additional sum for sinking the Continental bills of credit, and for the discharge of the other parts of the unliquidated debt	-	-	-	2,000,000	00
					42,414,085
From which deduct amount, as per statement A	-	-	-	\$31,797,481	22
Amount of the registered debt and credit, with interest, per statement B				6,919,138	51
					38,716,619
Balance outstanding	-	-	-		3,697,466
					14

NOTE.—The balance above stated to be outstanding, probably exceeds the real sum. In the original estimate, the old emission bills were computed at forty for one; but they have been provided for, at one hundred for one. There are also Loan Office certificates, which were sent to public officers, to be applied to the public service, and which were supposed to have been so applied, but which have since, upon settlements of their accounts at the Treasury, been returned and cancelled.

In addition to this, payments in public securities are expected to be made into the Treasury, which will thereupon be cancelled. And it is presumable that, in the course of the war, sums have been lost and destroyed, which are included in the estimate; but, as there is some arrearage of interest not included in the calculation, and as there are certain claims on the Treasury, the event or amount of which is not yet determined, it is not possible now to make a precise estimate of the difference between the sum computed to be outstanding, and what will be really found so.

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 30, 1791.

JOSEPH NOURSE, Register.

D.

Statement of subscriptions to the Loan, payable in certificates or notes issued by the respective States, in the several Loan Offices, from the 1st of October, 1790, to the 30th of September, 1791, agreeably to the act passed the 4th of August, 1790.

States.	Amount assumed by the act.	Amount unsubscribed.	Remaining unsubscribed, to complete the amount assumed.	Subscribed beyond the amount assumed.	Estimated amount of the remaining debt of the State.
New Hampshire	\$300,000	\$942,501 25	\$57,498 75	-	\$100,000 00 (a)
Massachusetts	4,000,000	4,447,013 81	-	\$477,013 81	1,838,540 66 (b)
Rhode Island	200,000	344,259 49	-	144,259 49	349,259 69 (c)
Connecticut	1,600,000	1,455,331 81	144,668 19	-	458,436 52 (a)
New York	1,200,000	1,028,238 75	171,761 25	-	195,639 79 (a)
New Jersey	800,000	599,703 56	200,296 44	-	207,647 78 (a)
Pennsylvania	2,200,000	675,101 33	1,524,898 67	-	500,000 00 (a)
Delaware	200,000	53,305 84	146,694 16	-	None.
Maryland	800,000	299,296 40	500,744 60	-	430,000 00 (c)
Virginia	3,500,000	2,552,570 88	947,429 12	-	1,172,555 25 (d)
North Carolina	2,400,000	1,166,355 57	733,644 43	-	713,192 30 (e)
South Carolina	4,000,000	4,634,578 52	-	634,578 52	1,965,756 33 (b)
Georgia	300,000	300,000 00	-	-	400,000 00 (f)
	21,500,000	18,328,186 21	4,427,665 61	1,255,851 82	8,331,028 32

NOTES.

1. The sums marked a, in the column of remaining debts, are inserted upon recent official communications.

2. Those marked b, are founded upon official statements some time since received, and reported to the House of Representatives, on the 9th of January, 1790, adding interest for the subsequent period.

3. Those marked c, are founded on informal information, but such as is deemed substantially authentic and accurate.

The estimate for Rhode Island includes a sum not ascertained, which has been cancelled in consequence of former laws of the State, enjoining the creditors to bring in their certificates, and receive

Spirits, Foreign and Domestic.

payment in paper money, but has been revived by a late law of the State, directing the sums paid to be liquidated, according to a certain scale, and deducted from the original amount.

4. That marked *d*, is founded on a report of a committee of the 11th November, 1791, to the House of Delegates of Virginia, compared with a former return to the Treasury, and other information.

5. That marked *e*, is founded upon a statement of the Comptroller of North Carolina, of the 20th of May, 1790.

6. That marked *f*, is founded on a statement of the Treasurer of Georgia, of the 30th of April, 1790, compared with other information.

7. The sums expressed in round numbers are not meant to be understood as precisely accurate, but as very near the truth.

8. The Foreign, as well as the Domestic Debt of the States, is included.

TREASURY DEPARTMENT, *January 25, 1792.*

ALEXANDER HAMILTON, *Secretary of the Treasury.*

SPIRITS, FOREIGN AND DOMESTIC.

In obedience to the orders of the House of Representatives, of the first and second days of November last, the first directing the Secretary of the Treasury to report to the House such information as he may have obtained respecting any difficulties which may have occurred in the execution of the act "repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," together with his opinion thereupon. The second directing him to report to the House whether any and what alterations in favor of the spirits which shall be distilled from articles of the growth or produce of the United States, or from foreign articles within the same, can, in his opinion, be made in the act for laying duties upon spirits distilled within the United States, consistently with its main design, and with the maintenance of the public faith. The said Secretary respectfully submits the following Report:

From the several petitions and memorials which have been referred to the Secretary, as well as from various representations which have been made to him, it appears that objections have arisen in different quarters against the above-mentioned act, which have, in some instances, embarrassed its execution, and inspired a desire of its being repealed; in others, have induced a wish that alterations may be made in some of its provisions. These objections have reference to a supposed tendency of the act—1st. To contravene the principles of liberty; 2dly. To injure morals; 3dly. To oppress by heavy and excessive penalties; 4thly. To injure industry and interfere with the business of distilling.

As to the supposed tendency of the act to contravene the principles of liberty, the discussions of the subject which have had place in and out of the Legislature supersede the necessity of more than a few brief general observations.

It is presumed that a revision of the point cannot in this respect weaken the conviction which originally dictated the law.

There can surely be nothing in the nature of an internal duty on a consumable commodity more incompatible with liberty than in that of an external duty on a like commodity. A doctrine which asserts that all duties of the former kind (usually denominated excises) are inconsistent with the genius of a free Government is too violent and too little reconcilable with the necessities of society to be true. It would tend to deprive the Government of what is in most countries a principal source of revenue, and, by narrowing the distribution of taxes, would serve to oppress particular kinds of industry. It would throw, in the first instance, an undue proportion of the public burden on the merchant and on the landholder. This is one of those cases in which names have an improper influence, and in which prepossessions exclude a due attention to facts. Accordingly, the law under consideration is complained of, though free from the features which have served in other cases to render laws on the same subject exceptionable. And though the differences have been pointed out, they have not only been overlooked but the very things which have been studiously avoided in the formation of the law are charged upon it, and that, too, from quarters where its operation would, from circumstances, have worn the least appearance of them.

It has been heretofore noticed that the chief circumstances which, in certain excise laws, have given occasion to the charge of their being unfriendly to liberty, are not to be found in the act which is the subject of the Report, namely: 1st, a summary and discretionary jurisdiction in the excise officers, contrary to the course of the common law, and an abridgement of the right of trial by jury; and, secondly, a general power in the same officers to search and inspect indiscriminately all the houses and buildings of the persons engaged in the business to which the tax relates.

As to the first particular, there is nothing in the act even to give color to a charge of the kind against it, and accordingly it has not been brought. But as to the second, a very different power has been mistaken for it, and the act is complained of as conferring that very power of indiscriminate search and inspection. The fact, nevertheless, is otherwise. An officer, under the act in question, can inspect or search no house or building, or even apartment of any house or building, which has not been previously entered and marked by the

Spirits, Foreign and Domestic.

possessor as a place used for distilling or keeping spirits. And even the power so qualified is only applicable to distilleries from foreign materials, and in cities, towns, and villages, from domestic materials; that is, only in cases in which the law contemplates that the business is carried on upon such a scale as effectually to separate the distillery from the dwelling of the distiller. The distilleries scattered over the country, which form much the greatest part of the whole, are in no degree subject to discretionary inspection and search.

The true principles of the objection which may be raised to a general discretionary power of inspection and search is, that the domicile or dwelling of a citizen ought to be free from vexatious inquisition and intrusion. This principle cannot apply to a case in which it is put in his own power to separate the place of his business from the place of his habitation, and by designating the former visible public marks, to avoid all intermeddling with the latter. A distillery seldom forms a part of the dwelling of its proprietor, and, even where it does, it depends on him to direct and limit the power of visiting and search, by marking out the particular apartments which are so employed.

But the requisition upon the distiller to set marks on the building or apartments which he makes use of in his business is one of the topics of complaint against the law. Such marks are represented as a dishonorable badge. And thus a regulation designed as much to conform with the feelings of the citizen as for the security of the revenue is converted into matter of objection.

It is not easy to conceive what maxim of liberty is violated by requiring persons who carry on particular trades, which are made contributory to the revenue, to designate by public marks the places in which they are carried on. There can certainly be nothing more harmless or less inconvenient than such a regulation. The thing itself is frequently done by persons of various callings, for the information of customers; and why it should become a hardship or grievance, if required for a public purpose, can with difficulty be imagined.

The supposed tendency of the act to injure morals seems to have relation to the oaths, which are in a variety of cases required, and which are liable to the objection that they give occasion to perjuries. The necessity of requiring oaths is, whenever it occurs, matter of regret. It is certainly desirable to avoid them as often and as far as possible. But it is more easy to desire than to find a substitute. The requiring of them is not peculiar to the act in question. They are a common appendage of revenue laws, and are among the usual guards of those laws, as they are of public and private rights in Courts of Justice. They constantly occur in jury trials, to which the citizens of the United States are so much and so justly attached. The same objection, in different degrees, lies against them in both cases. Yet it is not perceivable how they can be dispensed with in either. It is remarkable that both the kinds of security to the revenue which are to be found in the act, the oaths of parties and the inspection of

officers, are objected to. If they are both to be abandoned, it is not easy to imagine what security there can be for any species of revenue which is to be collected from articles of consumption. If precautions of this nature are inconsistent with liberty, and immoral, as there are very few indirect taxes which can be collected without them, the consequence must be, that the entire or almost entire weight of the public burdens must, in the first instance, fall upon fixed and visible property, houses and lands, a consequence which would be found, in experiment, productive of great injustice and inequality, and ruinous to agriculture.

It has been suggested by some distillers that both the topics of complaint which have been mentioned might be obviated by a fixed rate of duty, adjusted according to a ratio compounded of the capacity of each still, and the number and capacities of the cisterns employed with it; but this and every similar method are objected to by other distillers, as tending to great inequality arising from unequal supplies of the material at different times and at different places, from the different methods of distillation practised by different distillers, and from the different degrees of activity in the business which arise from capitals more or less adequate.

The result of an examination of this point appears to be, that every such mode, in cases in which the business is carried on upon an extensive scale, would necessarily be attended with considerable inequalities, and, upon the whole, would be less satisfactory than the plan which has been adopted.

It is proved by the fullest information that, in regard to distilleries which are rated in the law according to the capacity of each still, the alternative of paying according to the quantity actually distilled is viewed in many parts of the United States as essential to the equitable operation of the duty. And it is evident that such an alternative could not be allowed, but upon the condition of the party rendering upon oath an account of the quantity of spirits distilled by him, without entirely defeating the duty.

As to the charge that the penalties of the act are severe and oppressive, it is made in such general terms, and so absolutely without the specification of a single particular, that it is difficult to imagine where it points. The Secretary, however, has carefully reviewed the provisions of the act in this respect, and he is not able to discover any foundation for the charge. The penalties it inflicts are in their nature the same with those which are common in revenue laws, and in their degree comparatively moderate. Pecuniary fines, from fifty to five hundred dollars, and forfeiture of the article in respect to which there has been a failure to comply with the law, are the severest penalties inflicted upon delinquent parties, except in a very few cases. In two, a forfeiture of the value of the article is added to that of the article itself; and, in some others, a forfeiture of the ship or vessel and of the wagon or other instrument of conveyance, assistant in a breach of law, is likewise involved.

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Penalties like these for wilful and fraudulent breaches of an important law cannot truly be deemed either unusual or excessive. They are less than those which secure the laws of impost, and as moderate as can promise security to any object of revenue which is capable of being evaded.

There appears to be but one provision in the law which admits of a question whether the penalty prescribed may not partake of severity. It is that which inflicts the pains of perjury on any person who shall be convicted of "wilfully taking a false oath or affirmation, in any of the cases in which oaths or affirmations are required by the act. Precedents in relation to this particular vary. In many of them the penalties are less severe than for perjury in Courts of Justice; in others they are the same. The latter are generally of the latest date, and seem to have been the result of experience.

The United States have in other cases pursued the same principle as in the law in question; and the practice is certainly founded on strong reasons.

1st. The additional security which it gives to the revenue cannot be doubted. Many who would risk pecuniary forfeitures and penalties would not encounter the more disgraceful punishment annexed to perjury.

2d. There seems to be no solid distinction between one false oath in violation of law and right and another false oath in violation of law and right.

A distinction in the punishments of different species of false swearing is calculated to beget false opinions concerning the sanctity of an oath; and, by countenancing an impression that a violation of it is less heinous in the cases in which it is less punished, it tends to impair in the mind that scrupulous veneration for the obligation of an oath which ought always to prevail, and not only to facilitate a breach of it in the cases which the laws have marked with less odium, but to prepare the mind for committing the crime in other cases.

So far is the law under consideration from being chargeable with particular severity, that there are to be found in it marks of more than common attention to prevent its operating severely or oppressively. The 43d section of the act contains a special provision (and one which it is believed is not to be found in any law enacted in this country prior to the present Constitution of the United States) by which forfeitures and penalties incurred without an intention of fraud or wilful negligence may be mitigated or remitted. This mild and equitable provision is an effectual guard against suffering or inconvenience in consequence of undesigned transgressions of the law.

The 30th section contains a provision in favor of persons who, though innocent, may accidentally suffer by seizures of their property, (as in the execution of the revenue laws sometimes unavoidably happens,) which is perhaps entirely peculiar to the law under consideration. Where there has even been a probable cause of seizure, sufficient to acquit an officer, the jury are to assess whatever damages may have accrued from any injury to the articles seized, with an allowance for the de-

tion of it at the rate of six per centum per annum of the value, which damages are to be paid out of the public Treasury.

There are other provisions of the act which mark the scrupulous attention of the Government to protect the parties concerned from inconvenience and injury, and which conspire to vindicate the law from imputations of severity or oppression.

The supposed tendency of the act to injure industry, and to interfere with the business of distilling, is endeavored to be supported by some general and some special reasons, both having relation to the effect of the duty upon the manufacture. Those of the first kind affirm generally that duties on home manufactures are impolitic, because they tend to discourage them; that they are particularly so when they are laid on articles manufactured from the produce of the country, because they have then the additional effect of injuring agriculture; that it is the general policy of nations to protect and promote their own manufactures, especially those which are wrought out of domestic materials; that the law in question interferes with this policy.

Observations of this kind admit of an easy answer. Duties on manufactures tend to discourage them or not, according to the circumstances under which they are laid, and are impolitic or not, according to the same circumstances. When a manufacture is in its infancy, it is impolitic to tax it; because the tax would be both unproductive and would add to the difficulties which naturally impede the first attempts to establish a new manufacture, so as to endanger its success. But when a manufacture, as in the case of distilled spirits, in the United States, is arrived at maturity, it is as fit an article of taxation as any other. No good reason can be assigned why the consumer of a domestic commodity should not contribute something to the public revenue, when the consumer of a foreign commodity contributes to it largely; and, as a general rule, it is not to be disputed that duties on articles of consumption are paid by the consumers.

To the manufacture itself the duty is no injury, if an equal duty be laid on the rival foreign article. And when a greater duty is laid upon the latter than upon the former, as in the present instance, the difference is a bounty on the domestic article, and operates as an encouragement of the manufacture. The manufacturer can afford to sell his fabric the cheaper, in proportion to that difference, and is so far enabled to undersell and supplant the dealer in the foreign article.

The principle of the objection would tend to confine all taxes to imported articles, and would deprive the Government of resources which are indispensable to a due provision for the public safety and welfare; contrary to the plain intention of the Constitution, which gives express power to employ those resources when necessary: a power which is found in all Governments, and is essential to their efficiency, and even to their existence.

Duties on articles of internal production and manufacture form in every country the principal sources of revenue. Those on imported articles

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can only be carried to a certain extent, without defeating their object; by operating either as prohibitions, or as bounties upon smuggling. They are moreover in some degree temporary; for as the growth of manufactures diminishes the quantum of duty on imports, the public revenue, ceasing to arise from that source, must be derived from articles which the national industry has substituted for those previously imported. If the Government cannot then resort to internal means for the additional supplies, which the exigencies of every nation call for, it will be unable to perform its duty or even to preserve its existence. The community must be unprotected, and the social compact be dissolved.

For the same reasons that a duty ought not to be laid on an article manufactured out of the produce of the country (which is the point most insisted upon) it ought not to be laid upon the produce itself, nor consequently upon the land, which is the instrument of that produce; because taxes are laid upon land as the fund out of which the income of the proprietor is drawn, or, in other words, on account of its produce. There ought, therefore, on the principle of the objection, to be neither taxes on land, nor the produce of land, nor on articles manufactured from that produce. And if a nation should be in a condition to supply itself, with its own manufactures, there could then be very little or no revenue, of course there must be a want of the essential means of national justice and national security.

Positions like these, however well meant by those who urge them, refute themselves, because they tend to the dissolution of Government, by rendering it incapable of providing for the objects for which it is instituted.

However true the allegation that it is and ought to be the prevailing policy of nations to cherish their own manufactures, it is equally true that nations in general lay duties for the purpose of revenue on their own manufactures; and it is obvious to a demonstration that it may be done without injury to them. The most successful nations in manufactures have drawn the largest revenues from the most useful of them. It merits particular attention, that ardent spirits are an article, which has been generally deemed and made use of, as one of the fittest objects of revenue, and to an extent in other countries, which bears no comparison with what has been done in the United States.

The special reasons alluded to are of different kinds:

I. It is said, that the act in question by laying a smaller additional duty on foreign spirits, than the duty on home-made spirits, has a tendency to discourage the manufacture of the latter.

This objection merits consideration, and as far as it may appear to have foundation, ought to be obviated. The point, however, seems not to have been viewed in all its aspects in a correct light.

Before the present Constitution of the United States began to operate, the regulations of the different States, respecting distilled spirits were very dissimilar. In some of them duties were

laid on foreign spirits only, in others, on domestic as well as foreign. The absolute duty in the former instances, and the difference of duty in the latter, was upon an average, considerably less than the present difference in the duties on foreign and home-made spirits. If to this be added the effect of the uniform operation of the existing duties throughout the United States, it is easy to infer that the situation of our own distilleries is in the main much better, as far as they are affected by the laws, than it was previous to the passing of any act of the United States upon the subject. They have, therefore, upon the whole, gained materially under the system which has been pursued by the National Government.

The first law of the United States on this head laid a duty of no more than eight cents per gallon on those of Jamaica proof. The second increased the duty on foreign spirits to twelve cents per gallon of the lowest proof, and by certain gradations to fifteen cents per gallon of Jamaica proof. The last act places the duty at twenty cents per gallon of the lowest proof, and extends it by the like gradations, to twenty-five cents per gallon of Jamaica proof, laying also a duty of eleven cents per gallon on home-made spirits distilled from foreign materials of the lowest proof, with a like gradual extension to fifteen cents per gallon of Jamaica proof; and a duty of nine cents per gallon on home-made spirits distilled from domestic materials of the lowest proof, with the like gradual extension to thirteen cents per gallon of Jamaica proof.

If the transition had been immediate from the first to the last law, it could not have failed to have been considered as a change in favor of our own distilleries, as far as the rate of duty is concerned. The mean duty on foreign spirits by the first law was nine cents, by the last the mean extra duty on foreign spirits is in fact about eleven cents, as it regards spirits distilled from foreign materials, and about thirteen, as it regards spirits distilled from domestic materials. In making this computation it is to be adverted to, that the four first degrees of proof mentioned in the law correspond with the different kinds of spirits usually imported, while the generality of those made in the United States are of the lowest class of proof.

Spirits from domestic materials derived a double advantage from the last law, that is, from the increased rate of duty on foreign imported spirits, and from a higher rate of duty on home-made spirits of foreign materials.

But the intervention of the second law has served to produce in some places a different impression of the business than would have happened without it. By a considerable addition to the duties on foreign spirits, without laying anything on those of home manufacture, it has served to give to the last law the appearance of taking away a part of the advantages previously secured to the domestic distilleries. It seems to have been overlooked, that the second act ought in reality to be reviewed only as an intermediate step to the arrangement finally contemplated by the Legislature; and that, as part of a system, it has upon the

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whole operated in favor of the national distilleries. The thing to be considered is the substantial existing difference in favor of the home manufacture, as the law now stands.

The advantage, indeed, to the distillation of spirits from the produce of the country arising from the difference between the duties on spirits distilled from foreign and those distilled from domestic materials, is exclusively the work of the last act, and is an advantage which has not been properly appreciated by those distillers of spirits from home produce, who have complained of the law as hurtful to their manufacture.

Causes entirely foreign to the law itself have also assisted in producing misapprehension. The approximation of the price of home-made spirits to that of foreign spirits, which has of late taken place, and which is attributed to the operation of the act in question is in a great degree owing to the circumstances, which have tended to raise the price of molasses in the West India market, and to an extra importation of foreign spirits prior to the first of July last, to avoid the payment of the additional duty which then took place.

It is stated in the petition from Salem, that previous to the last act, the price of domestic to foreign spirits was as 1s. 9d. to 3s. 4d., of the money of Massachusetts, per gallon, and that since that act it has become as 3s. 3d. to 4s. 2d.

It is evident that a rise from 1s. 9d. to 3s. 3d. per gallon, which would be equal to twenty cents, is not to be attributed wholly to a duty of eleven cents. Indeed if there were a concurrence of no other cause, the inference would be very different from that intended to be drawn from the fact, for it would evince a profit gained to the distiller of more than eighty per cent. on the duty.

It is, however, meant to be understood, that this approximation of prices occasions a greater importation and consumption of foreign, and a less consumption of domestic spirits than formerly. How far this may or may not be the case, the Secretary is not now able to say with precision; but no facts have come under his notice officially, which serve to authenticate the suggestion. And it must be considered as possible, that representations of this kind, are rather the effect of apprehension than of experience. It would even be not unnatural, that a considerable enhancement of the prices of the foreign article should have led to a greater consumption of the domestic article, as the cheapest of the two, though dearer itself than formerly.

But while there is ground to believe that the suggestions which have been made on this point, are in many respects inaccurate and misconceived, there are known circumstances, which seem to render advisable, some greater difference between the duties on foreign and on home-made spirits. These circumstances have been noticed in the Report of the Secretary on the subject of manufactures, and an alteration has been proposed by laying two cents in addition upon imported spirits of the lowest proof, with a proportional increase on the higher proofs, and by deducting one cent from the duty on the lowest proof of home-made spirits, with a

proportional diminution in respect to the higher proofs.

This alteration would bring the proportion of the duties nearly to the standard, which the petitioner, Hendrick Doyer, who appears likely to be well informed on the subject, represents as the proper one to enable the distillation of geneva to be carried on with the same advantage as before the passing of the act. He observes that the duty on home-made geneva being nine cents, the additional duty on foreign ought to have been twelve cents. By the alteration proposed, the proportion will be as ten to eight, which is little different to that of twelve to nine.

It is worthy of remark, that the same petitioner states, that previous to the passing of the act of which he complains, he "could sell his geneva sixteen and a quarter per cent. under the price of Holland geneva, but that he cannot do it at present, and in future, lower than fourteen per cent." If, as he also states, the quality of his geneva be equal to that of Holland, and if his meaning be as it appears to be, that he can now afford to sell his geneva lower by fourteen per cent. than the geneva of Holland, it will follow that the manufacture of that article is in a very thriving train, even under the present rate of duties. For a difference of fourteen per cent. in the price is capable of giving a decided preference to the sale of the domestic article.

II. It is objected that the duty, by being laid in the first instance upon the distiller, instead of the consumer, makes a larger capital necessary to carry on the business, and in this country, where capitals are not large, puts the national distiller under disadvantages.

But this inconvenience, as far as it has foundation, in the state of things, is essentially obviated by the credits given. Where the duty is payable upon the quantity distilled, a credit is allowed, which cannot be less than six, and may extend to nine months. Where the duty is charged on the capacity of the still, it is payable half yearly. Sufficient time is, therefore, allowed to raise the duty from the sale of the article, which supersedes the necessity of a greater capital. It is well known, that the article is one usually sold for cash or at a short credit. If these observations are not applicable to distilleries in the interior country, the same may be said in a great degree of the objection itself. The course of the business in that quarter, renders a considerable capital less necessary than elsewhere. The produce of the distiller's own farm, or of the neighboring farms, brought to be distilled upon shares or compensations in the article itself, constitute the chief business of the distilleries in the remote parts of the country. In the comparatively few instances, in which they may be prosecuted as a regular business, upon a large scale, by force of capital, the observations which have been made will substantially apply.

The collection of the duty from the distiller has, on the other hand, several advantages. It contributes to equality, by charging the article in the first stage of its progress, which diffuses the duty among all classes alike. It the better secures the

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collection of the revenue, by confining the responsibility to a smaller number of persons, and simplifying the process. And it avoids the necessity of so great a number of officers as would be required in a more diffuse system of collection, operating immediately upon purchasers and consumers. Besides, that the latter plan would transfer, whatever inconveniencies may be incident to the collection, from a smaller to a greater number of persons.

III. It is alleged that the inspection of the officers is injurious to the business of distilling, by laying open its secrets or mysteries.

Different distillers, there is no doubt, practice in certain respects different methods in the course of their business, and have different degrees of skill. But it may well be doubted whether in a business so old and so much diffused as that of the distillation of spirits, there are at this day secrets of consequence to the possessors.

There will at least be no hazard in taking it for granted, that none such exist in regard to the distillation of rum from molasses or sugar, or of the spirits from grain usually called whiskey, or of brandies from the fruits of this country. The cases in which the allegations are made with most color apply to geneva, and perhaps to certain cordials.

It is probable, that the course of the business might and would always be such, as in fact to involve no inconvenience on this score. But as the contrary is affirmed, and as it is desirable to obviate complaint as far as it can be done, consistently with essential principles and objects, it may not be unadvisable to attempt a remedy.

It is to be presumed, that if any secrets exist, they relate to a primary process, particularly the mixture of the ingredients; this, it is supposable, cannot take a greater time each day, than two hours. If, therefore, the officers of inspection were enjoined to forbear their visits to the part of the distillery commonly made use of for such process, during a space not exceeding two hours in each day to be notified by the distiller, there is ground to conclude that it would obviate the objection.

IV. The regulations for marking of casks and vessels, as well as houses and buildings, also furnish matter of complaint. This complaint, as it regards houses and buildings, has been already adverted to; but there is a light in which it is made that has not yet been taken notice of.

It is said that the requiring the doors of the apartments as well as the outer door of each building to be marked, imposes unnecessary trouble. When it is considered how little trouble or expense attends the execution of this provision, in the first instance, and that the marks once set will endure for a great length of time, the objection to it appears to be without weight.

But the provision, as it relates to the apartments of buildings, has for its immediate object the convenience of the distillers themselves. It is calculated to avoid the very evil of an indiscriminate search of their houses and buildings, by enabling them to designate the particular apartments which are employed for the purposes of their business, and to secure all others from inspection and visitation.

The complaint, as it respects the marking of casks and vessels, has somewhat more foundation. It is represented (and upon careful inquiry appears to be true) that through long-established prejudice, home-made spirits of equal quality with foreign, if known to be home-made, will not command an equal price. This particularly applies to geneva. If the want of a distinction between foreign and home-made spirits were an occasion of fraud upon consumers, by imposing a worse for a better commodity, it would be a reason for continuing it; but as far as such a distinction gives operation to a mere prejudice, favorable to a foreign and injurious to a domestic manufacture, it furnishes a reason for abolishing it.

Though time might be expected to remove the prejudice, the progress of the domestic manufacture, in the interval, might be materially checked. It appears, therefore, expedient to remove this ground of complaint by authorizing the same marks and certificates, both for foreign and for home-made geneva. Perhaps, indeed, it may not be unadvisable to vest somewhere a discretionary power to regulate the forms of certificates, which are to accompany, and the particular marks, which are to be set upon casks and vessels containing spirits, generally, as may be found convenient in practice. Another source of objection with regard to the marking of casks is, that there is a general prohibition against defacing or altering the marks, and a penalty upon doing it, which prevents the using of the same casks more than once, and occasions waste, loss, and embarrassment.

It is conceived, that this prohibition does not extend to the effacing of old marks and placing of new ones by the officers of the revenue, or in their presence and by their authority. But as real inconveniencies would attend a contrary construction, and there is some room for question, it appears desirable that all doubt should be removed, by an explicit provision to enable the officer to efface old marks and substitute new ones, when casks have been emptied of their former contents, and are wanted for new use.

V. The requisition to keep an account from day to day of the quantity of spirits distilled is represented both as a hardship and impossible to be complied with. But the Secretary is unable to perceive that it can justly be viewed either in the one or in the other light. The trouble of setting down in the evening the work of the day, in a book prepared for and furnished to the party, must be inconsiderable, and the doing of it would even conduce to accuracy in business.

The idea of impracticability must have arisen from some misconception. It seems to involve a supposition that something is required different from the truth of the fact. Spirits distilled are usually distinguished into high wines, proof spirits, and low wines. It is certainly possible to express each day the quantity of each kind produced, and where one kind is converted into another, to explain it by brief notes, showing in proper columns the results in those kinds of spirits which are ultimately prepared for sale.

A revision is now making of the forms at first

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transmitted, and it is not doubted that it will be easy to obviate the objection of impracticability. On full reflection the Secretary is of opinion, that the requisition in this respect is a reasonable one, and that it is of importance to the due collection of the revenue, especially in those cases, where, by the alternative allowed in favor of country distilleries, the oath of a party is the only evidence of the quantity produced. It is useful in every such case to give the utmost possible precision to the object which is to be attested.

VII. It is alleged as a hardship, that distillers are held responsible for the duties on spirits which are exported, till certain things difficult to be performed, are done, in order to entitle the exporter to the drawback.

This is a misapprehension. The drawback is at all events to be paid in six months, which is as early as the duty can become payable, and frequently earlier than it does become payable. And the Government relies on the bond of the exporter for a fulfilment of the conditions upon which the drawback is allowed. An explanation to the several collectors of this point, which has taken place since the complaint appeared, will have removed the cause it. The same explanation will obviate another objection founded on the supposition that the bond of the distiller and that of the exporter are for a like purpose. The latter is merely to secure the landing of the goods in a foreign country, and will often continue depending after every thing relative to duty and drawback has been liquidated and finished.

VII. It is an article of complaint that no drawback is allowed in case of shipwreck when spirits are sent from one port to another in the United States. There does not occur any objection to a provision for making an allowance of that kind, which would tend to alleviate misfortune and give satisfaction.

VIII. The necessity of twenty-four hours' notice, in order to the benefit of drawback on the exportation of spirits, and the prohibition to remove them from a distillery after sun-set, except in the presence of an officer, are represented as embarrassments to business.

The length of notice required appears greater than is necessary. It is not perceived, that any inconvenience could arise, from reducing the time to six hours. But it is not conceived to be necessary or expedient to make an alteration in the last mentioned particular. The prohibition is of real consequence to the security of the revenue. The course of business will readily adapt itself to it, and the presence of an officer in extraordinary cases will afford due accommodation.

IX. It is stated as a hardship, that there is no allowance for leakage and wastage in the case of spirits shipped from one State to another. The law for the collection of the duties on imports and tonnage allows two per cent. for leakage on spirits imported. A similar allowance on home-made spirits at the distillery, does not appear less proper.

X. It is mentioned as a grievance, that distillers are required to give bond with surety for the amount of the duties, and that the sufficiency of the

surety is made to depend on the discretion of the chief officer of inspection. The requiring of sureties can be no more a hardship on distillers than on importing merchants, and every other person to whom the public afford a credit. It is a natural consequence of the credit allowed; and a very reasonable condition of the indulgence which, without this precaution, might be imprudent, and injurious to the United States.

The party has his option to avoid it by prompt payment of the duty, and is even entitled to an abatement, which may be considered as a premium if he elects to do so.

As to the second point, if sureties are to be given, there must be some person on the part of the Government to judge of their sufficiency, otherwise the thing itself would be nugatory; and the discretion cannot be vested more conveniently for the party than in the chief officer of inspection for the survey. A view has now been taken of most, if not of all, the objections of a general nature, which have appeared. Some few of a local complexion remain to be attended to.

The representation, signed Edward Cook, chairman, as on behalf of the four most western counties of Pennsylvania, states, that the distance of that part of the country from a market for its produce leads to a necessity of distilling the grain, which is raised, as a principal dependence of its inhabitants; which circumstance and the scarcity of cash combine to render the tax in question unequal, oppressive, and particularly distressing to them.

As to the circumstance of equality, it may safely be affirmed to be impracticable to devise a tax which shall operate with exact equality upon every part of the community. Local and other circumstances will inevitably create disparities more or less great. Taxes on consumable articles have, upon the whole, better pretensions to equality than any other. If some of them fall more heavily on particular parts of the community, others of them are chiefly borne by other parts. And the result is an equalization of the burden as far as it is attainable. Of this class of taxes it is not easy to conceive one which can operate with greater equality than a tax on distilled spirits. There appears to be no article, as far as the information of the Secretary goes, which is an object of more equal consumption throughout the United States.

In particular districts a greater use of cider may occasion a smaller consumption of spirits; but it will not be found on a close examination that it makes a material difference. A greater or less use of ardent spirits, as far as it exists, seems to depend more on relative habits of sobriety or intemperance than on any other cause.

As far as habits of less moderation, in the use of distilled spirits, should produce inequality anywhere, it would certainly not be a reason with the Legislature either to repeal or lessen a tax which, by rendering the article dearer, might tend to restrain too free an indulgence of such habits.

It is certainly not obvious how this tax can operate particularly unequal upon the part of the country in question. As a general rule it is a

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true one, that duties on articles of consumption fall on the consumers, by being added to the price of the commodity. This is illustrated in the present instance by facts. Previous to the law laying a duty on home-made spirits the price of whiskey was about thirty-eight cents; it is now about fifty-six cents. Other causes may have contributed in some degree to this effect, but it is evidently to be ascribed chiefly to the duty.

Unless, therefore, the inhabitants of the countries, which have been mentioned are greater consumers of spirits, than those of other parts of the country, they cannot pay a greater proportion of the tax. If they are, it is their interest to become less so. It depends on themselves by diminishing the consumption to restore equality.

The argument, that they are obliged to convert their grain into spirits in order to transportation to distant markets, does not prove the point alleged. The duty on all they send to those markets will be paid by the purchasers. They will still pay only upon their own consumption.

As far as an advance is laid upon the duty, or as far as the difference of duty between whiskey and other spirits tend to favor a greater consumption of the latter, they as greater manufacturers of the article, supposing this fact to be as stated, will be proportionably benefited.

The duty on home-made spirits from domestic materials, if paid by the gallon, is nine cents. From the communications which have been received, since the passing of the act, it appears that paying the rate annexed to the capacity of the still, and using great diligence, the duty may be in fact reduced to six cents per gallon. Let the average be taken at seven and a half cents, which is probably higher than is really paid.

Generally speaking, then, for every gallon of whiskey which is consumed, the consumer may be supposed to pay seven and a half cents; but for every gallon of spirits distilled from foreign materials, the consumer pays at least eleven cents, and for every gallon of foreign spirits at least twenty cents. The consumer, therefore, of foreign spirits pays nearly three times the duty, and the consumer of home-made spirits from foreign materials nearly fifty per cent. more duty, on the same quantity, than the consumer of spirits from domestic materials, exclusive of the greater price in both cases, which is an additional charge upon each of the two first mentioned classes of consumers.

When it is considered that 8-21 parts of the whole quantity of spirits consumed in the United States are foreign, and 7-21 parts are of foreign materials, and that the inhabitants of the Atlantic and Midland countries are the principal consumers of these more highly taxed articles, it cannot be inferred that the tax under consideration bears particularly hard on the inhabitants of the Western country.

This may serve as an exemplification of a general proposition of material consequence, namely, that, if the former description of citizens are able from situation to obtain more for their produce than the latter, they contribute proportionally

more to the revenue. Numerous other examples in the confirmation of this might be adduced.

As to the circumstance of scarcity of money, as far as it can be supposed to have foundation, it is as much an objection to any other tax as the one in question. The weight of the tax is not certainly such as to involve any peculiar difficulty. It is impossible to conceive that nine cents per gallon on distilled spirits, which is stating it at the highest, can, from the magnitude of the tax, distress any part of the country, which has an ability to pay taxes at all, enjoying too the unexampled advantage of a total exemption from taxes on houses, lands, or stock.

The population of the United States being about four millions of persons, and the quantity of spirits annually consumed between ten and eleven millions of gallons, the yearly proportion to each family, if consisting of six persons, which is a full ratio, would be about sixteen gallons, the duty upon which would be less than one dollar and a half. The citizen who is able to maintain a family, and who is the owner or occupier of a farm, cannot feel any inconvenience from so light a contribution, and the industrious poor, whether artisans or laborers, are usually allowed spirits or an equivalent in addition to their wages.

The Secretary has no evidence to satisfy his mind, that a real scarcity of money will be found, on experiment, a serious impediment to the payment of the tax anywhere. In the quarter where this complaint has particularly prevailed, the expenditures for the defence of the frontier would seem alone sufficient to obviate it. To this it is answered, that the contractors for the supply of the Army operate with goods and not with money. But this still tends to keep at home whatever money finds its way there. Nor is it a fact, if the information of the Secretary be not materially erroneous, that the purchases of the contractors of flour, meat, &c., are wholly with goods. But if they were, the Secretary can aver, that more money has, in the course of the last year, been sent into the Western country from the Treasury, in specie, and bank bills which answer the same purpose, for the pay of the troops and militia, and for Quartermaster's supplies, than the whole amount of the tax in the four Western counties of Pennsylvania and the district of Kentucky is likely to equal in four or five years. Similar remittances are likely to be made in future.

Hence the Government itself furnishes, and in all probability will continue to furnish, the means of paying its own demands, with a surplus which will sensibly foster the industry of the parties concerned, if they avail themselves of it, under the guidance of a spirit of economy and exertion.

Whether there be no part of the United States, in which the objection of want of money may truly exist, in a degree to render the payment of the duty seriously distressing to the inhabitants, the Secretary is not able to pronounce. He can only express his own doubt, of the fact, and refer the matter to such information as the members of any district so situated, may have it in their power to offer to the Legislative body.

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Should the case appear to exist, it would involve the necessity of a measure in the abstract very ineligible, that is, the receipt of the duty in the article itself.

If an alternative of this sort were to be allowed, it would be proper to make it the duty of the party paying, to deliver the article at the place in each county where the office of inspection is kept, and to regulate the price according to such standard, as would induce a preference of paying in cash, except from a real impracticability of obtaining it.

In regard to the petition from the district of Kentucky, after what has been said with reference to other applications, it can only be necessary to observe that the exemption which is sought by that petition, is rendered impracticable by an express provision of the Constitution, which declares, that all duties, imposts and excises shall be uniform throughout the United States.

In the course of the foregoing examination of the objections which have been made to the law, some alterations have been submitted for the purpose of removing a part of them. The Secretary will now proceed to submit such farther alterations as appear to him advisable, arising either from the suggestions of the officers of the revenue, or from his own reflections.

I. It appears expedient to alter the distinction respecting distilleries from domestic materials in cities, towns and villages, so as to confine it to one or more stills worked at the same distillery, the capacity or capacities of which together do not fall short of four hundred gallons.

The effectual execution of the present provisions respecting distilleries from home materials in cities, towns, and villages, would occasion an inconvenient multiplication of officers, and, would in too great a degree exhaust the product of the duty in the expense of collection. It is also probable that the alteration suggested would also conduce to public satisfaction.

II. The present provisions concerning the entering of stills are found by experience not to be adequate, and in some instances not convenient.

It appears advisable, that there shall be one office of inspection for each county, with authority to the supervisor to establish more than one, if he shall judge it necessary for the accommodation of the inhabitants; and that every distiller or person having or keeping a still, shall be required to make entry of the same, at some office of inspection for the county, within a certain determinate period in each year. It will be proper also to enjoin upon every person, who, residing within the county, shall procure a still, or who removing into a county, shall bring into it a still, within twenty days after such procuring or removal, and before he or she begins to use the still, to make entry at the office of inspection. Every entry, besides describing the still, should specify in whose possession it is, and the purpose for which it is intended, as whether for sale or for use in distilling; and in the case of a removal of the person from another place into the county, shall specify the place from which the still shall have been brought. A forfeiture of the still ought in every

case in which an entry is required, to attend an omission to enter.

This regulation, by simplifying the business of entering stills, would render it easier to comprehend and comply with what is required, would furnish the officers with a better rule for ascertaining delinquencies, and, by avoiding to them a considerable degree of unnecessary trouble, will facilitate the retaining of proper characters in the offices of collectors.

III. It is represented that difficulties have in some instances arisen concerning the persons responsible for the duty. The apparent, not being always the real proprietor, an opportunity for collusion is afforded; and without collusion the uncertainty is stated as a source of embarrassment.

It also sometimes happens, that certain itinerant persons without property, complying with the preliminary requisitions of the law as to entry, &c., erect and work stills for a time, and before a half-yearly period of payment arrives, remove and evade the duty.

It would tend to remedy these inconveniences, if possessors and proprietors of stills were made jointly and severally liable, and if the duty were made a *specific lien* on the still itself; if also the proprietor of the land, upon which any still may be worked should be made answerable for the duty, except where it is worked by a lawful and *bona fide* tenant of the land of an estate, not less than for a term of one year, or unless such proprietor can make it appear, that the possessor of the still was during the whole time, without his privity or connivance, an intruder or trespasser on the land; and if, in the last place, any distiller about to remove from the division in which he is, should be required previous to such removal to pay the tax for the year, deducting any prior payments, or give bond with approved surety, conditioned for the payment of the full sum for which he or she should be legally accountable to the end of the year, to the collector of the division to which the removal shall be, rendering proof thereof under the hand of the said collector, within six months after the expiration of the year.

As well with a view to the forfeiture of the stills for non-entry, as to give effect to a specific lien of the duty (if either or both of these provisions should be deemed eligible) it will be necessary to enjoin it upon the officers of the revenue to identify by proper marks the several stills which shall have been entered with them.

IV. The exemptions granted to stills of the capacity of fifty gallons and under, by the 36th section of the law, appear from experience to require revision. Tending to produce inequality, as well as to frustrate the revenue, they have excited complaint. It appears at least advisable, that the obligation to enter, as connected with that of paying duty, should extend to stills of all dimensions, and that it should be enforced in every case by the same penalty.

V. The 28th section of the act makes provision for the seizure of spirits unaccompanied with marks and certificates in the cases in which they

Spirits, Foreign and Domestic.

are required; but as they are required only in certain cases, and there is no method of distinguishing the spirits, in respect to which they are necessary, from those in respect to which they are not necessary, the provision becomes nugatory, because an attempt to enforce it would be oppressive. Hence not only a great security for the due execution of the law is lost, but seizures very distressing to unoffending individuals must happen, notwithstanding great precaution to avoid them.

It would be, in the opinion of the Secretary, of great importance to provide, that all spirits whatsoever in casks or vessels of the capacity of twenty gallons and upwards should be marked and certified, on pain of seizure and forfeiture, making it the duty of the officers to furnish the requisite certificates *gratis* to distillers and dealers in all cases, in which the law shall have been complied with.

In those cases in which an occasional recurrence to the officers for certificates might be inconvenient, blanks may be furnished, to be accounted for. And it may be left to the parties themselves, in the like cases, to mark their own casks or vessels, in some simple manner, to be defined in the law. These cases may be designated generally. They will principally relate to dealers, who, in the course of their business, draw off spirits from larger to smaller casks; and to distillers, who pay according to the capacities of their stills.

As a part of a regulation of this sort, it will be necessary to require, that within a certain period, sufficiently long to admit of time to know and comply with the provision, entry shall be made, by all dealers and distillers, of all spirits in their respective possessions, which shall not have been previously marked and certified according to law, in order that they may be marked and certified as old stock.

The regulations here proposed, though productive of some trouble and inconvenience in the outset, will be afterwards a security, both to individuals and to the revenue.

VI. At present spirits may not be imported from abroad in casks of less capacity than fifty gallons. The size of these casks is smaller than is desirable, so far as the security of the revenue is concerned; and there has not occurred any good objection to confining the importation to larger casks, that is to say, to casks of not less than ninety gallons. Certainly, as far as respects rum from the West Indies, it may be done without inconvenience, being conformable to the general course of business. The result of examination is, that the exception as to this particular in favor of gin may be abolished. Should any alteration on this subject take place, it ought not to begin to operate till after the expiration of the year.

VII. There is ground to suppose that the allowance of drawback, without any limitation as to quantity, has been abused. It is submitted, that none be made on any less quantity than one hundred and fifty gallons.

VIII. There is danger that facility may be given to illicit importations, by making use of casks which have been once regularly marked, and the certificates which have been issued with them, to

cover other spirits than those originally contained in such casks. Appearances which countenance suspicion on this point, have been the subjects of representation from several quarters.

The danger may be obviated, by prohibiting the importation in such marked casks, on pain of forfeiture both of the spirits and of any ship or vessel in which they may be brought. A prohibition of this sort does not appear liable to any good objection.

IX. The duty of sixty cents per gallon of the capacity of a still, was founded upon a computation that a still, of any given dimensions, worked four months in the year—which is the usual period of country distillation—would yield a quantity of spirits which, at the rate of nine cents per gallon, would correspond with sixty cents per gallon of the capacity of the still. It will deserve consideration, whether it will not be expedient to give an option to country distillers, at the annual entry of their stills, to take out a license for any portion of the year which they may respectively think fit, and to pay at the rate of twelve and a half cents per gallon of the capacity per month, during such period. This to stand in lieu of the alternative of paying by the gallon, distilled. It would obviate in this case the necessity of accounting upon oath, and would leave it in the power of each distiller to cover the precise time he meant to work his still, with a license, and to pay for that time only. A strict prohibition to distil at any other time than that for which the license was given, would be of course necessary to accompany the regulation, as far as regarded any such licensed distiller.

The only remaining points which have occurred, a proper to be submitted to the consideration of the Legislature, respect the officers of the revenue.

It is represented, that in some instances, from the ill humor of individuals, the officers have experienced much embarrassment, in respect to the filling of stills with water, to ascertain their capacity—which, upon examination, is found the most simple and practicable mode. The proprietors have, in some instances, not only refused to aid the officers, but have even put out of their way the means by which the filling might be conveniently accomplished.

It would conduce to the easy execution of the law, and to the very important purpose of retaining and procuring respectable characters as collectors, if the proprietors and possessors of stills were required to aid them in the execution of this part of their duty, or to pay a certain sum as a compensation for the doing of it.

The limits assigned in the law respecting compensations, are found, in practice, essentially inadequate to the object.

This is so far the case, that it becomes the duty of the Secretary to state that greater latitude in this particular is indispensable to the effectual execution of the law.

In the most productive divisions, the commissions of the collectors afford but a moderate compensation. In the greatest part of them, the compensation is glaringly disproportioned to the ser-

Sinking Fund.

vice; in many of them it falls materially short of the expense of the officer.

It is believed, that in no country whatever has the collection of a similar duty been effected within the limit assigned. Applying in the United States to a single article only, and yielding consequently a less total product than where many articles are comprehended, the expense of collection must of necessity be proportionally greater.

It appears to the Secretary, that seven and a half per cent. of the total product of the duties on distilled spirits, foreign as well as domestic, and not less, will suffice to defray the compensations to officers, and other expenses incidental to the collection of the duty. This is to be understood as supplemental to the present custom-house expenses.

It is unnecessary to urge to the House of Representatives, how essential it must be to the execution of the law, in a manner effectual to the purposes of the Government and satisfactory to the community, to secure, by competent though moderate rewards, the diligent services of respectable and trustworthy characters.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

TREASURY DEPARTMENT, March 5, 1792.

REPORT ON THE SINKING FUND.

IN SENATE, NOVEMBER 7, 1791.

The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to the Congress of the United States of America—

That, pursuant to the act entitled "An act making provision for the reduction of the Public Debt," and in conformity to two resolutions agreed upon by them, one on the 15th day of January, and another on the 15th of August last, and severally approved by the President of the United States they have caused purchases of the said Debt to be made, through the agency, respectively, of Samuel Meredith, Treasurer of the United States; William Seton, Cashier of the Bank of New York; Benjamin Lincoln, Collector of the District of Boston and Charlestown; and William Heth, Collector of the District of Bermuda Hundred, to the amount of \$852,677 46, for which there have been paid \$540,924 14, in specie, as will more particularly appear by the several documents (Nos. 1 to 8) herewith submitted as part of this report, and which specify the places where, the times when, the prices at which, and the persons of whom the said purchases have been made.

That, though the statements of William Seton and Benjamin Lincoln have not yet passed through the forms of settlement, it appears, by the document No. 8, being a certified transcript from the books of the Treasury, that the amount of the stock by them respectively reported to have been purchased has been duly transferred to the said books.

That the purchases now and heretofore reported amount, in the whole, to \$1,131,364 76, for which there have been paid \$699,163 38, in specie.
Signed in behalf of the Board,

JOHN ADAMS.

Statement of the purchases of Stock by the Agents to the Trustees named in the Act for the Reduction of the Public Debt.

By whom purchased.	Amount of six per cent. stock.	Amount of three per cent. stock.	Amount of deferred stock.	Total amount of stock purchased.	Amount of specie paid for the purchases.
Samuel Meredith, from passing of the act to December 6, 1790	\$156,308 50	\$61,306 38	\$61,072 47	\$278,687 30	\$160,239 24
Do December 7, 1780, to January 11, 1791	87,781 68	15,402 51	26,477 13	79,661 32	51,449 32
Do January 12, 1790, to February 1, 1791	42,198 91	14,798 63	11,779 18	68,776 73	48,550 68
Do August 17, 1790, to Sept. 19, 1791	5,637 94	94,487 67	138,605 87	238,791 48	148,984 71
William Seton, August 19, 1790, to August 27, 1791	-	13,291 08	173,708 88	186,999 96	116,542 69
Do August 31, 1790, to Sept. 5, 1791	-	12,482 21	41,548 80	54,031 01	33,457 31
Do Sept. 10, 1790, to Sept. 12, 1791	-	41,666 67	40,000 00	81,666 67	50,000 00
William Heth, February 24, 1080, to April 2, 1791	32,192 07	27,466 46	14,714 77	74,373 30	49,934 09
Benjamin Lincoln, February 22, 1790, to March 3, 1791	37,014 34	28,720 00	2,712 66	68,447 00	50,006 34
Totals	\$811,133 44	\$309,621 56	\$610,619 76	\$1,131,364 76	\$699,163 38

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 4, 1791.

JOSEPH NOURSE, Register.

[Here follow several other statements, comprising the details, which, being voluminous, are omitted.]

Additional Supplies.

ADDITIONAL SUPPLIES FOR 1792.

TREASURY DEPARTMENT, *March 16, 1792.*

The SECRETARY OF THE TREASURY, pursuant to a resolution of the House of Representatives of the 8th instant directing the said Secretary to report to the House his opinion of the best mode of raising the additional supplies requisite for the ensuing year, respectfully submits the following Report :

The sum which is estimated to be necessary for carrying into effect the purposes of the act for making further and more effectual provision for the protection of the frontiers of the United States, beyond the provision made by the act making appropriations for the support of Government, for the year 1792, is \$675,950 08. The returns which have been received at the Treasury subsequent to the Secretary's Report of the 23d of January last, (among which are those of some principal ports,) afford satisfactory ground of assurance that the quarter ending the last of December was considerably more productive than it was supposed likely to prove; authorizing a reliance that the revenues to the end of the year 1791 will yield a surplus of \$150,000, which may be applied in part of the sum of \$675,950 08, above stated to be necessary. Provision remains to be made for the residue of this sum, viz: \$525,950 08. Three expedients occur to the option of the Government for providing this sum: one, to dispose of the interest to which the United States are entitled in the Bank of the United States. This, at the present market price of Bank stock, would yield a clear gain to the Government much more than adequate to the sum required. Another, to borrow the money, upon an establishment of funds, either merely commensurate with the interest to be paid, or affording a surplus which will discharge the principal by instalments within a short term. The third is, to raise the amount by taxes. The first of these three expedients appears to the Secretary altogether inadvisable. First. It is his present opinion that it will be found, in various respects, permanently the interest of the United States to retain the interest to which they are entitled in the Bank; but, secondly, if this opinion should not be well founded, it would be improvident to dispose of it at the present juncture, since, upon a comprehensive view of the subject, it can hardly admit of a doubt that its future value, at a period not very distant, will be considerably greater than its present, while the Government will enjoy the benefit of whatever dividends shall be declared in the interval; and, thirdly, whether it shall be deemed proper to retain or dispose of this interest the most useful application of the proceeds will be as a fund for extinguishing the Public Debt. A necessity of applying it to any different object, if it should be found to exist, would be matter of serious regret. The second expedient would, in the judgment of the Secretary, be preferable to the first; for this, the following reason, if there were no other, is presumed to be conclusive, viz: that the probable increase of the value of the stock may itself be estimated as a considerable, if

not a sufficient fund, for the repayment of the sum which might be borrowed. If the measure of a Loan should be thought eligible, it is submitted as most advisable to accompany it with a provision sufficient not only to pay the interest, but to discharge the principal within a short period. This will at least mitigate the inconvenience of making an addition to the Public Debt. But the result of mature reflection is, in the mind of the Secretary, a strong conviction that the last of the three expedients which have been mentioned is to be preferred to either of the other two. Nothing can more interest the national credit and prosperity than a constant and systematic attention to husband all the means previously possessed for extinguishing the present Debt, and to avoid, as much as possible, the incurring of any new debt. Necessity alone, therefore, can justify the application of any of the public property, other than the annual revenues, to the current service, to the temporary and casual exigencies of the country, or the contracting of an additional debt, by loans, to provide for those exigencies. Great emergencies, indeed, might exist in which loans would be indispensable. But the occasions which will justify them must be truly of that description. The present is not of such a nature; the sum to be provided is not of magnitude enough to furnish the plea of necessity. Taxes are never welcome to a community; they seldom fail to excite uneasy sensations, more or less extensive. Hence a too strong propensity in the Governments of nations to anticipate and mortgage the resources of posterity, rather than encounter the inconveniences of a present increase of taxes. But this policy, when not dictated by very peculiar circumstances, is of the worst kind. Its obvious tendency is, by enhancing the permanent burdens of the people, to produce lasting distress, and its natural issue is in national bankruptcy. It will be happy if the councils of this country, sanctioned by the voice of an enlightened community, shall be able to pursue a different course. Yielding to this impression, the Secretary proceeds to state, for the consideration of the House, the objects which have occurred to him as most proper to be resorted to for raising the requisite sum by taxes. From the most careful view which he is able to take of all the circumstances that, at the present juncture, naturally enter into consideration, he is led to conclude that the most eligible mode in which the necessary provision can at this time be made is by some additional duties on imported articles. This conclusion is made with reluctance, for reasons which were noticed upon a former occasion, and from the reflection that frequent and unexpected alterations in the rates of duties, on the objects of trade, by inducing uncertainty in mercantile speculations and calculations, are really injurious to commerce and hurtful to the interests of those who carry it on. The stability of the duties to be paid by the merchants is in fact of more consequence to them than their quantum, if within reasonable bounds. It were, therefore, much to have been wished that so early a resort to new demands on that class of citizens could have been

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avoided, and especially that they could have been deferred until a general tariff could have been maturely digested upon principles which might with propriety render it essentially stationary. But while there are these motives to regret, there are others of a consoling tendency, some of which indicate that an augmentation of duties, at the present juncture, may have the effect of lessening some public evils and producing some public benefits. It is a pleasing fact, if the information of the Secretary be not very erroneous, that the improved state of the credit of this country enables our merchants to procure the supplies which they import from abroad upon much more cheap and advantageous terms than heretofore—a circumstance which must alleviate to them the pressure of somewhat higher rates of duty, and must contribute, at the same time, to reconcile them to burdens which, being connected with an efficacious discharge of the duty of Government, are of a nature to give solidity and permanency to the advantages they enjoy under it. It is certain, also, that a spirit of manufacturing prevails at this time in a greater degree than it has done at any antecedent period; and, as far as an increase of duties shall tend to second and aid this spirit, they will serve to promote essentially the industry, the wealth, the strength, the independence, and the substantial prosperity of the country. The returns for one year ending with the 30th of September last, (an abstract of which is in preparation, to be communicated to the Legislature,) evince a much increased importation during that year, greater, far, than can be referred to a naturally increasing demand from the progress of population, and announce a probability of a more than proportional increase of consumption, there being no appearance of an extraordinary abundance of goods in the market. If, happily, an extension of the duties shall operate as a restraint upon excessive consumption, it will be a salutary mean of preserving the community from future embarrassment, public and private. But if this should not be the case, it is at least prudent in the Government to extract from it the resources necessary for current exigencies, rather than postpone the burden to a period when that very circumstance may cause it to be more grievously felt. These different considerations unite, with others which will suggest themselves, to induce, in the present state of things, a preference of taxes on imported articles, to any other mode of raising the sum required. It is therefore respectfully submitted that the existing duties on the articles hereafter enumerated be repealed, and that, in place of them, the following be laid, viz:

WINES.

Madeira, quality of London Par.	per gall.	\$0 56
Madeira, London market	do	49
Other Madeira wine	do	40
Sherry	do	33
St. Lucar	do	30
Lisbon	do	25
Oporto	do	25
Teneriffe and Fayal	do	20
All other wines 40 per cent. ad valorem.		

SPIRITS.

Those distilled wholly or chiefly from grain.

Of the first class of proof	per gall.	\$0 28
Of the second class of proof	do	20
Of the third class of proof	do	31
Of the fourth class of proof	do	34
Of the fifth class of proof	do	40
Of the sixth class of proof	do	50

OTHER DISTILLED SPIRITS.

Of the 2d class proof and under	per gall.	\$0 24
Of the 3d class proof and under	do	27
Of the 4th class proof and under	do	31
Of the 5th class proof and under	do	37
Of the 6th class proof and under	do	45
Beer, ale, and porter	per gall.	8
Steel	per cwt.	1 00
Nails	per lb.	2
Cocoa	do	2
Chocolate	do	3
Playing cards	per pack	25
Shoes and slippers of silk		20
Shoes and slippers of stained or colored leather, other than black, for men and women		10
Shoes and slippers of stained or colored leather, other than black, for children		7
All other shoes and slippers for men and women, clogs and goloshoes		10
All other shoes and slippers for children		7

ARTICLES AD VALOREM.

China wares; looking-glass, window, and other glass, and all manufactures of glass, black quart bottles excepted; muskets; pistols; swords, cutlasses, hangers, and other fire and side arms; starch; hair powder; wafers; and glue—15 per cent. ad valorem.

Cast, slit, and rolled iron, and generally all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being otherwise particularly enumerated; cabinet wares; leather, tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not being otherwise particularly enumerated; medicinal drugs, except those commonly used in dyeing; hats, caps, and bonnets, of every sort; gloves and mittens; stockings; millinery, ready made; artificial flowers, feathers, and other ornaments for women's head dresses; fans; dolls, dressed and undressed; toys; buttons of every kind; carpets and carpeting, mats, and floor cloths; sail cloth; sheathing and cartridge paper; all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition, commonly called sweet-scents, odors, perfumes, or cosmetics; all dentrifice, powders, tinctures, preparations, or compositions whatsoever, for the teeth or gums; printed books, except those specially imported for a college, academy, or other public or incorporated seminary of learning or institution, which shall be wholly exempted from duty—10 per cent. ad valorem.

The foregoing duties to be permanently established, and to be appropriated, in the first place

Additional Supplies.

to the payment of the interest of the Public Debt; in the second, to such other grants and appropriations as have been heretofore made: and, in the third, to the purposes of the act for making further and more effectual provision for the protection of the frontiers of the United States. An addition of two and a half per cent. ad valorem to be made to the duty on all goods heretofore rated at five per cent. ad valorem. This addition to be temporary, and accordingly to be so established as that it shall not continue longer than till the present Indian war shall terminate, and the expenses of carrying it on shall have been defrayed, which will of course include the reimbursement of any sums that may have been borrowed by way of anticipation of the product of the duties. It is represented that the present duty on salt operates unequally, from the considerable difference in weight, in proportion to quantity of different kinds of salt, a bushel weighing from about fifty-six to upward of eighty weight. It would have an equalizing effect, if the bushel were defined by weight; and, if fifty-six pounds were taken as the standard, a valuable accession to the revenue would result. This regulation is, therefore, submitted as a resource upon the present occasion, the rate of duty to remain as it is. It will be a reasonable accommodation to trade, if it is made a part of this arrangement, to extend the credit for the duty on salt to a longer term. It is an article which, from the circumstances of its importation, frequently lies on hand for a considerable time; and, in relation to the fisheries, is usually sold upon a credit of several months.

Some remarks may be proper in regard to the proposed duties. Those on spirits and wines may appear high; they are doubtless considerable; but there are precedents elsewhere of much higher duties on the same articles. And it is certainly in every view justifiable to make a free use of them for the purpose of revenue. Wines, generally speaking, are the luxury of classes of the community who can afford to pay a considerable duty upon them. It has appeared advisable to adhere to the idea of a specific duty, per quantity, on all the species of wines in most common consumption in the country, and those most susceptible of precise designation, as affording greatest certainty to the revenue, and to adopt a general ad valorem rate for other kinds proportioned to the specific duties; this rate is forty per cent. The distinction has proceeded from the difficulty of a precise enumeration of all the other kinds of wine which are and may be imported, and of such an adjustment of specific rates as will bear some reasonable proportion to the value of the article. The present lowest rate of duty on wines amounts to two hundred and three hundred per cent. on the value of certain kinds, which may be considered as equivalent to a prohibition. While, therefore, ideas of proportion will be better consulted than heretofore, by the proposed arrangement, it is probable that the revenue will be benefited, rather than injured, by a reduction of the duties on low-priced wines. The considerations which render ardent spirits a proper object of high

duties have been repeatedly dwelt upon. It may be added, that it is a familiar and a just remark that the peculiarly low price of ardent spirits in this country is a great source of intemperance. To bring the price of the article more nearly to a level with the price of it in other markets, by an increase of duty, while it will contribute to the advancement of the revenue, cannot but prove, in other respects, a public benefit. The rates proposed will be still moderate, compared with examples in other countries; and the article is of a nature to enable the importer, without difficulty, to transfer the duty to the consumer. A discrimination is suggested in respect to duties on spirits distilled from grain. To this there have been two inducements: one, that the difference in the duty is conformable to the difference between the cost of the grain spirits usually imported and that of West India rum; another, that it is, in a particular manner, the interest of the United States to favor the distillation of its own grain in competition with foreign spirits from the same material. In the second division of spirits, the first class of proof is dropped, because none of it comes from the West Indies, and because any other spirits usually imported, which may be of so low a proof, are higher priced even than some of the higher proofs of West India spirits. The dropping of that class of proof, therefore, in this case is favorable to the revenue and favorable to equality. Several of the other specific duties which are proposed, besides the inducements to them as items of revenue, are strongly recommended by considerations which have been stated in the Report of the Secretary on the subject of manufactures. The same report states inducements to a fifteen per cent. duty on some of the articles which are mentioned as proper to be comprised under that rate. With regard to china and glass, there are two weighty reasons for a comparatively high duty upon them. The use of them is very limited, except by the wealthier classes; and both their bulk and liability to damage in transportation are great securities against evasions of the revenue. It will, however, merit consideration whether, for the accommodation of importers, a longer term of credit ought not to be allowed on these articles. A duty of two cents per pound on cocoa is less, in proportion to the value, than the present duty on coffee; as an extensive article of consumption, it is a productive one of revenue. The duty on playing cards can give rise to no question except as to practicability of a safe collection. In order to this, it will be proper to superadd certain precautions, which will readily occur in regulating the details of a bill for the purpose. A similar attention will be requisite in regard to the duties on wines. The employment of marks and certificates may advantageously be extended to this article. The rate of ten per cent. ad valorem, it is hoped will not be deemed immoderate in relation to the articles to which it is proposed to apply it. It is difficult to assign rules for what ought to be considered as a just standard. But, after the best consideration which the Secretary has been able to bestow upon it, he cannot discover that any

Defeat of General St. Clair.

real inconvenience is likely permanently to result from the extension of that rate to the cases proposed. The addition of two and a half per cent. to the duty on the mass of articles now rated at five will constitute an important, though not an excessive augmentation. Nevertheless, it is proposed that it shall be only temporary; and there is reasonable ground of expectation that the cause for having recourse to it will not be of very long continuance. It will not have escaped the observation of the House that the duties which were suggested in the Secretary's report on that subject, as encouragements to manufactures, are for the most part included among the objects of this report. It may tend to avoid future embarrassment if such abatements and drawbacks as shall be deemed expedient, with a view to promoting manufactures, shall accompany the establishment and appropriation of whatever further duties may be laid for the object in contemplation. And it may be found convenient to qualify the appropriation of the surplus which is to be applied to that object, so as to let in such other appropriations during the session as occurrences may suggest. An estimate of the additional revenue which may be expected from the proposed duties is subjoined. It will occur to the House that the credit allowed for the duties will require an anticipation of their product by a temporary loan, for which provision in the law will be requisite. All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Estimate of probable additional revenue from the proposed duties.

Madeira wine, 300,000 gallons, average increase 12 cents per gallon	\$36,000
Other wines, 700,000 gallons, average increase 3 cents per gallon	21,000
Distilled spirits, 3,600,000 gallons, average increase, allowing for proposed deduction from the duties on domestic spirits, 2 cents	72,000
Salt, from the equalizing regulation proposed, will probably yield one-sixth more, or 2 cts. per bushel, on 2,000,000 bushels	40,000
Malt liquors, 200,000 gallons, at 2 1-2 cts.	5,000
Nails and spikes, 1,800,000 lbs., at 1 cent	18,000
Cocoa, 800,000 lbs., at 1 cent	8,000
Playing cards, 20,000, at 15 cents	3,000
Other enumerated articles ad valorem, at 15 per cent.	10,000
Increased duty on articles rated permanently at 10 per cent. ad valorem, computed at \$2,000,000 in value, at 3 per cent.	60,000
Temporary addition of 2 1-2 per cent. on the articles now rated at 5, computed on \$10,000,000	250,000
	<u>523,000</u>

DEFEAT OF GENERAL ST. OLAIR.

Mr. FITZSIMONS, from the committee appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair, reported that the committee had proceeded to examine all the papers furnished by the Executive Department relative thereto, sundry papers and accounts furnished by the Treasury and War Departments, with explanations of the same by the Heads of those Departments in person, to hear the testimony of witnesses upon oath, and written remarks by General St. Clair, upon the facts established by the whole evidence; and that, as the result of their inquiries, the committee had agreed to the following Report:

The contract for the supplies of the Army on the route from Fort Pitt, was made by Theodosius Fowler, with the Secretary of the Treasury, and bears date the 28th day of October, 1790; that, at the same time, a bond, in the penalty of one hundred thousand dollars, with Walter Livingston and John Cochran securities thereto, was entered into for the due execution of the contract; that on the 3d day of January, 1791, the contract was wholly transferred from the said Fowler to William Duer, a copy of which transfer was lodged in the office of the Secretary of the Treasury; that, by Letter from the Secretary of War, bearing date the 25th of February, 1791, addressed to William Duer, it appears that he was considered as the contractor; that no correspondence appears to have taken place subsequently to that time between Theodosius Fowler and either the Treasury or War Departments; that on the 6th day of March, 1791, a contract was entered into by William Duer with the Secretary of War for supplying the troops with provisions until their arrival at Fort Pitt; and at Fort Pitt a bond was at the same time entered into by the said William Duer for the due execution of the said contract, in the penalty of four thousand dollars, without any security whatsoever; that the act making provision for the defence of the frontiers received the signature of the President of the United States the 3d of March, 1791; that General St. Clair was appointed Commander-in-Chief of the Army destined for the expedition on the 4th day of the same month, and on the 28th left Philadelphia, for Fort Pitt, at which place he arrived the 16th day of April, and from thence proceeded to Lexington, and from thence to Fort Washington, where he arrived on the 15th day of May.

At the time of the arrival of the General at Fort Washington, the garrison there consisted of 75 non-commissioned officers and privates fit for duty; the garrison at Fort Harmar, of 45; at Fort Steuben, of 61; at Fort Knox, of 83; and on the 15th day of July, the whole of the first United States regiment, amounting to 299 non-commissioned officers and privates, arrived at Fort Washington, under orders from the Commander-in-Chief. General Butler was appointed the second in command in the month of March, and immedi-

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ately proceeded to make the necessary arrangements for the recruiting service; that he arrived in Baltimore, in the State of Maryland, the 20th of April, and continued there till the 30th of the same month; that he arrived at Carlisle, in the State of Pennsylvania, on the 9th of May; and at Fort Pitt on the 22d of the same month. It appears that no moneys for purchasing supplies were furnished at Carlisle, which was the place of rendezvous for the enlisted soldiery, on the 9th of May; and that Mr. Smith, agent for the contractor, was actively engaged in furnishing supplies for the troops, on credit.

It appears, by letters from John Kean, another of the contractor's agents, that no moneys had been received by him on the 8th of May; and it appears that on the 23d of March, there was advanced to William Duer, upon the last-mentioned contract, from the Treasury, the sum of fifteen thousand dollars; that there was advanced upon the first-mentioned contract, the sum of seventy thousand dollars, in the following sums, and at the following dates, to wit: March 22, ten thousand dollars; April 7, fifteen thousand dollars; April 25, fifteen thousand dollars; May 7, twenty thousand dollars; July 20, ten thousand dollars.

It appears from the correspondence of General Butler to the Secretary of War, from the 9th of May to the 9th of June, repeated complaints were made of fatal mismanagements and neglects in the Quartermaster's and Military Stores Department, particularly as to tents, knapsacks, camp-kettles, cartridge boxes, pack-saddles, &c., all of which articles were deficient in quantity, and bad in quality; the pack-saddles, particularly, were made in Philadelphia, which, with the transportation, amounted to more than double the price at which they might have been procured at Fort Pitt, and were found, upon examination, to be unfit for use; the arms sent forward appear not to have been duly examined, and arrived at Fort Pitt extremely out of order, and many totally unfit for use: which circumstances rendered repairs absolutely necessary, and added to the delay of the troops at Fort Pitt.

It appears that a great proportion of the powder supplied for the use of the Army, was not of good quality, though an experiment was made by Major Ferguson, at Fort Pitt, with a howitz, who reported in favor of the quality of the powder. On the 9th of June, General Neville, another of the contractor's agents, informed General Butler that he had not at that time received any moneys from the contractors for the purchase of provisions, &c. for the troops, and was obliged to supply them on credit; that the country furnished provisions in abundance at a cheap rate when money was had for the purchase; that shortly after this information was communicated to General Butler, at his request four hundred dollars were advanced to General Neville by the Quartermaster, for the purchase of provisions for the troops.

The troops arrived at Fort Pitt in the following order, to wit: May 16, Captain Slough, 69 men; May 18, Captain Powers, 78 men; May 19, Captain Cribbs, 40 men; same day, Captain Guth-

rie, 23 men; May 25, Captain Armstrong, 76 men; same day, Captain Kirkwood, 67 men; May 28, Captain Snowden, 101 men; June 2, Captain Sparks, 83 men; June 3, Captain Butler, 61 men; same day, Captain Brock, 82 men; same day, Captain Van Swearingen, 88 men; June 5, Captain Pike, 73 men; total, including officers and privates, 842 men: and left that place in the following order: Major Ferguson, with Captain Armstrong's company, about the 1st of June; Captain Snowden, with the troops under his command, on the — day of —; Major Gaither, with about 500 men, 12th of July; and on the 22d of August, the last of the troops, under the command of Captain Phelon, and General Butler, with the Quartermaster General, on the 26th of August.

It appears that General Butler had orders from the Department of War to protect the frontiers with the troops under his command; and that the delays in sending forward the troops from Fort Pitt, arose partly from that circumstance, and partly from the temporary want of supplies of provisions and other necessaries, and from the want of the necessary boats for their transportation, which were not in readiness as soon as the troops were. It appears that General Butler acted with ability, activity, and zeal, in his command at Fort Pitt, and that the delays of the troops there cannot be imputed to his want of judgment or his want of exertion. The troops met with considerable difficulties and delays in going down the river, from the low state of the water, and arrived at Fort Washington in the following order: Captain Munford, from North Carolina, with about 50 men, on the — day of —; Major Ferguson, with Captain Armstrong's company, on the — day of —; Major Gaither, with the troops under his command, on the — day of —; Colonel Darke, with the troops under his command, on the — day of —; and the Kentucky militia, on the — day of —.

The Army, consisting of about 2,000 non-commissioned officers and privates, moved from Fort Washington, by orders from the Commander-in-Chief, to a place about five or six miles from thence, called Ludlow's Station, where they continued till the 17th day of September; at which time, the whole Army amounted to about 2,300 non-commissioned officers and privates fit for duty; that the price of rations at Fort Washington, agreeably, to contract, was 6½-90ths of a dollar per ration; the price of rations at Ludlow's Station was 15¼-90ths of a dollar per ration; that the inducements of the Commander-in-Chief to this movement appear to have been, to furnish green forage for the horses and beef cattle for the Army, to instruct the soldiery in field exercise and other necessary discipline, and to deprive them of the means of intoxication, which were very plentifully supplied at Fort Washington, and used to an excessive degree by the soldiery, to correct the excessive use of which the most rigid attention to discipline was found incompetent.

Mr. Hodgdon was appointed Quartermaster General in the month of March, and continued at Philadelphia until the 4th of June; he then pro-

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ceeded to Fort Pitt, where he arrived the 10th of the same month. No sufficient causes have appeared to the committee to justify this delay, and his presence with the Army appears to have been essentially necessary previously to that time; the duties of the Commander-in-Chief were much increased in consequence of the absence of the Quartermaster General, and after a continued expectation of his arrival at Fort Washington, for more than six weeks, the Commander-in-Chief gave him express orders, by letter, to repair to camp without delay. The receipt of the letter is acknowledged, but the orders contained therein were neither answered nor obeyed, and his arrival at camp was not until the tenth of September. The Commander-in-Chief, until that time, in addition to the duties of his office, discharged those of the Quartermaster General: and the military stores furnished by that Department were so deficient, from mismanagement and neglect, that many things essential to the movements of the Army, were either wholly made or repaired at Fort Washington, and even the tools for the artificers to work with, the Quartermaster particularly informed the Commander-in-Chief, that two complete traveling forges were sent forward, and upon examination, both of them were found to be without an anvil. Many other things, equally necessary, were either wholly omitted, or unfit for their intended use.

There were six hundred and seventy-five stand of arms at Fort Washington, the first of June, and most of them totally out of repair. The Commander-in-Chief appears to have been correct and attentive in all his communications with the Secretary of War, and to have discharged the various duties which devolved upon him with ability, activity, and zeal.

The Army moved from Ludlow's Station, on the seventeenth day of September, and arrived at the place where Fort Hamilton is now erected on the — day of —; they employed about fifteen days building that fort, and then proceeded on their march to the place where Fort Jefferson is now erected, forty-four miles distant from Fort Hamilton, where they arrived on the — day of October, and commenced their march from that place on the twenty-fourth of the same month; that the Army at this time consisted of — non-commissioned officers and privates fit for duty. At this time the Army had not more than three days supply of flour, and were sometimes at one-fourth, and sometimes at one-half allowance of that article, the deficiencies of which allowance were made up by increasing the quantity of beef, with which they were plentifully supplied. The Army was delayed five or six days on the march from Fort Jefferson for the want of provisions, and the season was so far advanced that sufficient green forage for the horses, could not be procured, from which circumstance many of the horses were totally lost, and others rendered unfit for service.

The orders to the Commander-in-Chief to proceed with the expedition, were express and unequivocal, so much so, as in the opinion of the Committee, to preclude the Commander-in-Chief from exercising any discretion relatively to that object

On the 31st of October, about sixty of the Kentucky militia deserted in a body, the first regiment consisting of about three hundred effective men was detached with a view to cover a convoy of provisions which was expected, and which it was supposed was in danger from the deserted militia and to prevent further desertions. On the 3d of November, after detaching the first regiment, the Army consisted of about fourteen hundred effective men, and on the morning of the 4th, about half an hour after sunrise, a general attack was commenced and in a few minutes thereafter nearly the whole Army was surrounded by the enemy; the action continued about four hours during which several charges were made by part of the Army, which caused the enemy to give way, but produced no good effect; the attack was unexpected, the troops having been just dismissed from the morning parade; it commenced upon the militia who were in advance of the main Army, and who fled through the main Army, without firing a gun: this circumstance threw the troops into some disorder, which, it appears, they never completely recovered during the action; the fire of the Army was constant, but not well directed; and it appears that a part of the troops behaved as well as could be expected from their state of discipline, and the manner and suddenness of the attack. The Commander-in-Chief appears to have been cool and deliberate in the whole of the action, and the officers in general active and intrepid. The whole order of march, as far as the Committee are capable of expressing an opinion, appears to have been judicious, and the ground for action well chosen. The retreat was disorderly in the extreme; after it commenced, no orders were obeyed, if any were given, the men having lost all regard to discipline, or control; all the precaution appears to have been taken for the safety and comfort of the wounded, which the circumstances of the case would admit of.

The Committee have had no competent evidence before them to ascertain the number of the enemy in action; there were various conjectures as to the number, from different persons, from five hundred the lowest to one thousand or twelve hundred the highest.

Mr. Barton, a witness examined by the Committee, conversed with a chief at Niagara who was in the action, and was by him informed that the number of the enemy in action was one thousand and forty, and that six hundred more had convened, but were engaged in hunting, at the time of the action. He was also informed that the enemy had not collected in any considerable numbers until a few days before the action; this information appears to be corroborated by some other circumstances sufficient to induce a belief of the fact in the Committee.

The contractor for supplies, agreeably to the terms of contract, was to furnish horses, &c., for the transportation of the supplies; in this condition of the contract there was a total failure, which compelled the Commander-in-Chief to direct between six and seven hundred horses to be purchased by Israel Ludlow, one of the contractor's

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agents; to draw bills on Mr. Duer, the acting contractor, for payment, which bills endorsed by the Commander-in-Chief, to the amount of about seventeen thousand dollars, were protested by the contractor and paid at the Treasury. The persons employed by the agents of the contractor to drive the horses, appear to have been totally unacquainted with that business, and from the want of bells, hobbles, and other necessaries of that kind, as well as from other gross mismanagement, many of the horses were lost, and others rendered unfit for service; from which causes there were not pack-horses sufficient to transport the necessary quantity of flour from Fort Washington, for the use of the Army on their march; this circumstance retarded the execution of the expedition.

The officers, agreeably to the terms of contract, had an election of drawing the whole of the rations to which their rank entitled them, or of receiving the contract price of them in cash; the contractor's agents not being furnished with money for this purpose, gave rise to a general order by which the officers were directed to receive a certificate from the contractor's agent, called a due bill, of one of which bills the following is a copy:

"Due Major H. Gaither one hundred and seventy-three complete rations, on the route to Miami village, as appears from Mr. Wilson's certificate.

MATT. EARNEST,
for WIL. DUER.

"FORT WASHINGTON, November 27, 1790."

This due bill issued upon the officer's signing some acknowledgment of satisfaction for his whole retained rations, which acknowledgment of satisfaction forms a voucher for settlement to the contractor, with the Treasury Department; and the officer is refused payment for these due-bills at the Pay Office. All casualties, by which these evidences of debt become lost or destroyed, are the gain of the contractor and the loss of the officer.

It is suggested by the Secretary of the Treasury, though not with positive certainty that a sufficient sum will be found due from the Treasury to the contractors upon a final settlement, to cover all these debts to the officers; the general order, which had the operation before stated, continued in force about five or six weeks, and was abolished about the 19th of October. The privates of the levies received but three dollars pay each, from the time of their respective enlistments to the time of their respective discharges, and were actually discharged without further pay or settlement; notes of discharge were given them, specifying the time of their service and bearing endorsements that some advancements had been made to them in account, without stating the amount, the object of which is suggested to have been to prevent transfers; the intended effect was not produced by the measure; the notes were sold for trifling considerations; the real sums due on the notes were various, from ten to twenty-five dollars, and they were frequently sold for five dollars, or one gallon of whiskey; the moneys for the pay of the levies, did not leave Philadelphia till 4th December, nor arrive at Fort Washington till 3d of January, 1792. Some time after the last enlisted levies were known to be en-

titled to their discharges; two reasons were assigned by the Secretary of War for this delay of payment, the one because there was no regular Paymaster in the Army, and the difficulties of transmitting moneys to the Army at so great a distance, in consequence of the want of such an officer; the other because it was supposed the Army would be at that time at the Miami village, so far advanced in the wilderness as not to admit of the practicability of discharging the levies, the total defeat of the Army not having been previously counted upon.

The clothing for the levies appears to have been of a very inferior quality, particularly coats, hats, and shoes, the last of which, in many cases, lasted not more than four days, and better clothing was furnished upon their enlisting into the regular service, which was for a time countenanced by the Commander-in-Chief.

Various modes appear to have been pursued by the officers in enlisting the levies, which occasion great uneasiness and some confusion; a considerable part of the Virginia battalion was so enlisted that the terms of their enlistments appear to have expired the first of November; the orders to the recruiting officers appear not to have been sufficiently explicit upon this point, whether the terms of enlistment were to commence at the time of enlistment, or at the arrival at a place of rendezvous. The militia were principally substitutes, and totally ungovernable, and regardless of military duty or subordination. It appears that the Commander-in-Chief had it in contemplation to commence the expedition at least one month earlier than it was commenced, with the few he then had, which was not very different from the real force in action; but was prevented for the want of the Quartermaster and contractor, and in consequence of the extreme deficiencies and derangement of the business of their Departments, the person sent forward by the Quartermaster being totally incompetent to the business; and the contractor's agents not being sufficiently supplied with money to enable them to execute their duties.

It appears to the Committee that in the wilderness where vegetables are not to be had, and the duties of the soldier uncommonly hard, the rations allowed by law, if completely supplied, are insufficient. This circumstance, with others, produced discontent and desertion among the soldiers.

It appears to the Committee that there were appropriated for the use of the War Department, for the year 1791, the sum of \$652,761 61, and that there have been advanced by the Treasury to the War Department, upon that appropriation, \$575,906 57, to wit:

February, 1791, advanced	-	-	-	\$15,000 00.
March, do do	-	-	-	46,002 20
April, do do	-	-	-	100,106 20
May, do do	-	-	-	80,109 80
June, do do	-	-	-	55,387 44
July, do do	-	-	-	14,105 39
August, do do	-	-	-	14,554 59
September, do do	-	-	-	14,796 53
October, do do	-	-	-	184 81
November, do do	-	-	-	107 23

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January, 1792,	do	-	-	33,753	00	
February, do	do	-	-	43,562	61	
March, do	do	-	-	1,741	16	
Amounting to				-	419,311	10
To which add moneys borrowed from the Bank of North America, on loan, without interest,				-	156,595	56
					575,906	57

And that the Treasury has always been in readiness to make the requisite advances, upon the request of the Secretary of War. It does not appear to the Committee in what manner and to what amount these advancements have been disbursed, the accounts not having been yet settled at the Treasury; nor was it possible, from the nature of the case, that they could at this time have received any conclusive or satisfactory information on that point.

From the foregoing state of facts, the Committee suggest the following as the principal causes, in their opinion, of the failure of the late expedition under Major General St. Clair.

The delay in furnishing the materials for, and in passing the act for the protection of the frontiers, the time after the passing of which was hardly sufficient to complete and discipline an Army for such an expedition, during the summer months of the same year.

The delays consequent upon the gross and various mismanagements and neglects in the Quartermaster's and Contractor's Departments, the lateness of the season at which the expedition was undertaken, the green forage having been previously destroyed by the frost, so that a sufficiency of subsistence for the horses necessary for the Army could not be procured.

The want of discipline and experience in the troops.

The Committee conceive it but justice to the Commander-in-Chief, to say, that in their opinion, the failure of the late expedition can in no respect be imputed to his conduct, either at any time before or during the action; but that as his conduct in all the preparatory arrangements, was marked with peculiar ability and zeal, so his conduct during the action furnished strong testimonies of his coolness and intrepidity.

The Committee suggest, as reasons for leaving the numbers of the troops at particular periods, and the dates of some facts, blank, the want of sufficient time to complete the Report with minuteness, and in some instances the want of the necessary evidence.

The said Report being read,

Resolved, That this House will, early in the next session, proceed to take the same into consideration.

COURT OF INQUIRY ON GEN. HARMAR.

Proceedings of a Court of Inquiry, held at the special request of Brigadier General JOSEPH HARMAR, to investigate his conduct as Commanding Officer of the

Expedition against the Miami Indians, 1790, the same having been transmitted by Major General ST. CLAIR to the Secretary of the United States for the Department of War.

FORT WASHINGTON, *September 24, 1791.*

SIR: I have the honor to enclose to your Excellency the Proceedings of the Court of Inquiry which sat, agreeably to the General Order of the 14th instant, "to inquire into the personal conduct of Brigadier General HARMAR, Commanding Officer on the late expedition against the Miami Indians."

The Court have taken the utmost pains to investigate the subjects committed to them, and have expected that some persons would have attended from Kentucky on the occasion, as mentioned in your Excellency's Letter of the 15th. Finding no personal evidence come forward from that quarter, this day closed their proceedings, and present to your Excellency their opinion, as specially directed.

There are some depositions handed in, but as they are not authenticated under the seal of any Court of Record, or by the Prothonotary of any county, the Court conceive they can only subjoin them to the proceedings for information to your Excellency, as they have been to the Court. They are numbered 1, 2, 3, and 4.

I have the honor to be, with great respect, your Excellency's most obedient servant,

RICHARD BUTLER,

Major General, *President.*

His Excellency Maj. Gen. ARTHUR ST. CLAIR.

Proceedings of a Court of Inquiry held at Fort Washington, September 15, 1791, agreeably to the Order of the 14th instant, of which the following is a copy:

"A Court of Inquiry, of which Major General BUTLER is appointed President, and Lieutenant Colonels GIBSON and DARKE members, will sit to-morrow at 12 o'clock, at the southeast block-house, Fort Washington."

Major General RICHARD BUTLER, *President.*

Lieutenant Colonels GEORGE GIBSON, and WILLIAM DARKE, *Members.*

After Orders.

HEADQUARTERS, *September 14.*

Lieutenant WARREN, of the Second United States Regiment, is appointed to record the proceedings of the Court of Inquiry directed to sit at Fort Washington by the orders of this day.

W. SARGENT, *Adjutant General.*

The Court met, agreeably to the above order, and were duly sworn according to law.

The following Letter was read from his Excellency Major General St. Clair, directed to Major General Butler, President of the Court of Inquiry:

FORT WASHINGTON, *September 15, 1791.*

SIR: The Court of which you are appointed President is ordered for the purpose of inquiring

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into the conduct of Brigadier General Harmar, the Commanding Officer upon the late expedition against the Miami Indians.

In the course of your investigations, all the circumstances of the campaign from the time the Army departed until it returned to Fort Washington are to be taken into consideration. These will embrace the personal conduct of the General; the organization of the Army; the orders of march, encampment, and battle; the motives which influenced the detachments of the 14th, the 19th, and 21st of October; and whether the said detachments were duly supported, and, if not, the reasons which prevented the said support. The Articles of War specify that Courts of Inquiry shall not give their opinion on the merits of any case, excepting they shall be specially thereto required. This seems to be one of the cases in which an opinion is requisite; you will, therefore, please, sir, to take the opinion of the Court on all and every of the points above specified, and convey the same to me when the inquiry shall be closed.

Some witnesses have been expected from Kentucky. Whether they will attend or not, I cannot inform the Court; but the principal officers of the militia who served in the Army of General Harmar have had notice that the Court would meet this day. I have heard from none of them, excepting Lieutenant Colonel Trotter, who writes to me that his attendance is doubtful; that Colonel Hall is gone to the Atlantic States, and he believes Colonel McMullen likewise.

Brigadier General Harmar being called upon for his evidences, furnished the Court with a list of persons; whereupon, the Court ordered them to be summoned to attend.

The Court then adjourned to meet at 3 o'clock P. M.

THREE O'CLOCK, P. M.

The Court met agreeably to adjournment.

The gentlemen who were summoned not being ready to give in their evidences, the Court adjourned to meet at 9 o'clock to-morrow morning.

SEPTEMBER 16.

The Court met agreeably to adjournment, and Major Ferguson being called in and sworn, deposed as follows: That, sometime about the 15th July, it was determined to carry on an expedition against the Miami villages. One thousand militia from Kentucky, and five hundred from Pennsylvania, with what could be collected of the 1st United States regiment, and one company of artillery, was to form the Army. The militia from Kentucky began to assemble at Fort Washington about the middle of September. Those were very ill equipped, being almost destitute of camp kettles and axes; nor could a supply of these essential articles be procured. Their arms were generally very bad, and unfit for service. That, as he was the Commanding Officer of Artillery, they came under his inspection, in making what repairs the time would permit; and, as a specimen of their badness, he informed the Court that a rifle was brought to be repaired without a lock, and another without a stock. That he asked the owners what

induced them to think that those guns could be repaired at that time, and they gave him for answer that they were told in Kentucky that all repairs would be made at Fort Washington. Many of the officers told him that they had no idea of their being half the number of bad arms in the whole District of Kentucky as were then in the hands of their men. As soon as the principal part of the Kentucky militia arrived, the General began to organize them. In this, he had many difficulties to encounter.

Colonel Trotter aspired to the command, (although Colonel Hardin was the eldest officer,) and in this he was encouraged both by men and officers, who openly declared unless Colonel Trotter commanded them, they would return home. After two or three days, the business was settled, and they were formed into three battalions, under the command of Colonel Trotter, and Colonel Hardin had the command of all the militia. As soon as they were arranged, they were mustered, crossed the Ohio, and on the 26th marched and encamped about ten miles from Fort Washington. The last of the Pennsylvania militia arrived on the 25th of September. These were equipped nearly as the Kentuckians, but were worse armed, several were without any. The General ordered all the arms in store to be delivered to those who had none, and those whose guns could not be repaired. Amongst the militia were a great many hardly able to bear arms, such as old infirm men and young boys. They were not such as might be expected from a frontier country, viz: the smart active woodsmen, well accustomed to arms, eager and alert to revenge the injuries done them and their connexions. No; there were a great number of them substitutes, who probably had never fired a gun. Major Paul, of Pennsylvania, told him (Major Ferguson) that many of his men were so awkward that they could not take their gunlocks off to oil them and put them on again, nor could they put their flints so as to be useful; and even of such materials the numbers came far short of what was ordered, as may be seen by the returns.

That, on the 31st September, the General, with the Continental troops, marched from Fort Washington to join Colonel Hardin, who had advanced into the country for the sake of food for the cattle and to open the road for the artillery. On the 3d October the whole Army joined, and were arranged in order of march, encampment, and battle. These would appear by the Orderly-Book, with this difference in the encampment, the space they were to occupy when in order of battle, which was to be open, was always to be filled up with their fires, nor were any intervals to be left between battalions. This was done to prevent in some measure the cattle and horses from getting out of camp; and the sentinels round camp had orders not to let the cattle or horses pass out after dark, just before which time they were brought within their fires. Those precautions, aided by the care and industry of Mr. Wells and his assistants, succeeded well in preventing loss of cattle. He (deponent) was informed there were only two oxen lost

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from the time the whole Army took up the line of march until it returned to Fort Washington; but he was sorry to say, it was not the case with the pack-horses, the generality of the people employed in that department were ignorant of their duty, indolent, and inactive; nor was it in the power of the General to remedy these defects. The shortness of the time for assembling and organizing the Army put it out of his power to look about and select fit characters; he was of course obliged to take those that offered. After he was in the woods, it was out of his power to exchange them for better, and punishments for neglect of duty were out of the question. The principles upon which the horses were employed induced the drivers who were chiefly parties in the business to lose and otherwise destroy them, rather than return them to their owners. By this means, the proprietors had a high appraisalment paid them for their horses and daily pay for services until they were lost. By adding to the above the negligence of sentinels, he accounted for the number of horses lost, which, in his opinion, it was out of General Harmar's power to prevent.

After the Army was arranged, they continued their march, without any material occurrence, until the 13th, when the horse fell in with two Indians, and took one of them prisoner, who informed them that the Indians were not in force at the Maumee village. This day they reached a place called the French Store, at which place a Frenchman, who was then with the General as a guide, had lived. He informed that the village was about ten leagues distant. From this place, on the morning of the 14th, Colonel Hardin was detached, with six hundred men, to endeavor to surprise the Miami village. The Army moved at the same time, and, although it rained the whole day, they continued their march with diligence until late. The horse were ordered to be tied up this night, to enable the Army to move early the next day, which it did. This diligence of the Army on its march induced him to believe the General was endeavoring to guard against any disaster that might happen to Colonel Hardin, which he was of opinion would have been in his power; for Colonel Hardin had not gained more than four miles of the Army on the first day's march.

On the 17th, the army arrived at the Miami village. Here were evident signs of the enemy having quitted the place in the greatest confusion. Indian dogs and cows came into their camp this day, which induced the belief that the families were not far off. A party of three hundred men, with three days' provisions, under the command of Colonel Trotter, was ordered (as he understood) to examine the country around their camp, but, contrary to the General's orders, returned the same evening. This conduct of the Colonel's did not meet the General's approbation, and Colonel Hardin, anxious for the character of his countrymen, wished to have the command of the same detachment for the remaining two days, which was given him. This command marched on the morning of the 19th, and was the same day shamefully

defeated. Colonel Hardin told him (deponent) that the number which attacked him did not exceed one hundred and fifty; and that, had his people fought, or even made a show of forming to fight, he was certain the Indians would have run. But, on the Indians firing, which was at a great distance, the militia ran, numbers throwing away their arms; nor could he ever rally them. Major Ray confirmed the same. He did not know what influenced the detachment on the 21st; but, from the enemy being flushed with success on the 19th, it became necessary, if in his power, to give them a check, to prevent the Army from being harassed on its return, which they might have done, will readily be granted by every one who has the least knowledge of the Indians, and an Army encumbered with cattle and pack-horses, much worn down; and, although the detachment was not so fortunate, as was reasonably to have been expected, yet he firmly believed it prevented the savages from annoying their rear, as they never made their appearance after. With respect to supporting that detachment, which consisted of four hundred chosen troops, he always believed them superior to one hundred and fifty Indians, the greatest number yet discovered, had it not been for misconduct and disobedience of orders by the officers who were on the command. He understood that Major Ray's battalion had been advanced to cover them, which was as many as could possibly have been spared, taking into view that those in camp could not be depended on, and many were without arms, having thrown them away. To support the whole Army was impracticable, the pack-horses being weak and greatly reduced in numbers; the artillery horses very much reduced, and unable to undergo much more fatigue, but at the certain loss of the artillery; as it was, they were obliged to send to Fort Washington for horses to assist in hauling it in. The march of the Army was regular and well conducted as was possible to be done with militia. With respect to the General's conduct, report says that he was intoxicated all the campaign, and unable to execute the important duties of his station. He (deponent) had mentioned his commanding the artillery, which was posted at the head of the centre column, and here the General chiefly was during the march. Of course he had an opportunity of seeing and being with him through the day. In the morning he received his orders from him, and, when they halted to encamp, he chiefly pointed out the ground where the artillery should be posted. His duty called him often to his tent before they marched in the morning, and after they halted in the evening; in short, had he been given to drunkenness, he had as good an opportunity of seeing it as any other officer in the Army. Yet he declared, that, from their leaving Fort Washington until their return, he never saw General Harmar intoxicated, or so as to render him unfit for the execution of any duties. In him, and his abilities as an officer, he placed the greatest confidence, never doubting in his orders, but obeying with cheerfulness, being conscious they were the production of experience and sound judgment.

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Question first by the Court. What were your reasons for thinking punishment for neglect of duty out of the question?

Answer. The state of the Army being such that it obliged the General not to do anything that would tend to irritate the militia.

Question by the Court. Is it your opinion that the organization of the Army was a judicious one; such, alone, as was well calculated for the security of the troops?

Answer. It is my opinion that it was the most judicious organization that could be made, and calculated for the interest of the United States.

Question by the Court. Is it your opinion that the order of encampment was a judicious one, and that the extrema parts were so disposed as were calculated to give security to the Army and its appendages?

Answer. I think no better disposition could have been made.

Question by the Court. Do you think the order of battle calculated, so as to have been easy of execution and easily formed?

Answer. I think it was the best that could have been formed, and well calculated for covering the appendages of the Army?

Question by the Court. Do you know the General's motives for making the detachments of the 14th, 19th, and 21st October?

Answer. I do not know the General's motives for making the detachment of the 14th, but I suppose it was for the purpose of surprising the Maumee village, as we had taken an Indian the day before, who gave us information that the Indians were in great confusion there, and that they were not in force, and very much divided in their councils. We expected to surprise them before they separated.

Question by the Court. What were the movements of the Army after that detachment was made?

Answer. We continued our march next day until an express arrived to inform us that the Indians had evacuated the village, when we halted.

Question by the Court. What was the distance between the main body and the detachment?

Answer. About four miles.

Question by the Court. Do you think that the Army was within supporting distance when the detachment was made?

Answer. On the first day we were.

Question by the Court. Do you know what induced the General to make the detachment of the 19th?

Answer. The day preceding that on which the detachment was made, Indian dogs, and cattle came into our camp, which led us to believe the Indians were near us, more especially as they had left their village in such haste. I suppose it was for the purpose of examining the country around the camp. A detachment of three hundred men, under the command of Colonel Trotter, with three days' provision, was made on the 18th, with orders to continue out three days, but which, nevertheless, returned into camp the same evening. The General appeared displeased at their disobedience

of orders. Colonel Hardin, wishing to retrieve the character of the militia, asked the General's permission to take out the same detachment on the 19th, which was granted.

Question by the Court. What motives led Colonel Hardin at such a distance as fifteen miles from camp?

Answer. I understood that he got on the trails of the Indians, and that he had discovered an Indian on horseback about one mile from where he fell in with their main body.

Question by the Court. Upon hearing of the defeat of that detachment, did you understand that the General ordered any support?

Answer. I don't know that he did; the first intelligence of the defeat was brought us by those who were defeated, late in the evening.

Question by the Court. Do you know the motives for the detachment of the 21st, either from the General himself, or any of his confidential officers?

Answer. I do not know from the General; but it was my opinion, as well as that of other officers, that the defeat of the 19th had so panic-struck the Army, that had the Indians attacked on the retreat it might have been lost, which induced the General to send the detachment in the rear.

Question by the Court. Had the General ordered another detachment upon the ground where the defeat of the 19th happened, do you think the militia would have gone, or would they have mutinied?

Answer. I am rather inclined to think they would not have gone.

Question by the Court. With respect to the general conduct of General Harmar, in the course of the campaign, is it your opinion that it was judicious, and in every respect commendable?

Answer. I do think it was perfectly so; I have the greatest confidence in, and good opinion of, his military abilities.

Captain Strong being sworn, deposed: That he knew of no circumstance during the whole campaign that could in his opinion affect the military character of the General; that the organization of the Army appeared to his judgment extremely judicious, and such he believed was the general opinion of the officers; that the order of the march seemed to him no less judicious and military in all parts; that the order of encampment and battle met, if he mistook not, with the approbation of every officer able to judge of it; that the motives which influenced the detachments of the 14th, 19th, and 21st October, appeared to him to be a question that could only be answered by the General, or perhaps by his confidential officers, or those more immediately attached to his person; that he had reason to believe that those detachments were not properly supported, but it was his opinion, at the same time, that the fault lay not with the General, who had given orders in each case that were not complied with, at least until it was too late.

Question by the Court. With respect to support in the action of the 21st, was there any support ordered that you know of?

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Answer. I was present when the order was given to Major Ray to move with his battalion to support Major Wyllys.

Question by the Court. Do you know what distance they marched for that purpose, or how long they were gone from the Army?

Answer. I do not recollect perfectly how long, but I think it was not long.

Question by General Harmar. Is it your opinion that the making the detachment under Major Wyllys was attended with good consequences to the Army, or not?

Answer. I think it was attended with useful consequences to the Army.

The Court then adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Court met agreeably to adjournment.

Lieutenant Hartshorn was sworn, and deposed: That he knew of no circumstance during the whole campaign that could, in his opinion, affect the military conduct of the General; that the organization of the Army appeared to his judgment extremely judicious, and such, he believed, was the general opinion of the officers; that the order of march seemed to him no less judicious and military in all its parts; that the order of encampment and battle met, if he mistook not, with the approbation of every officer able to judge of it; that the motives which influenced the detachments of the 14th, 19th, and 21st of October, appeared to him to be a question that could only be answered by the General, and perhaps by his confidential officers, or those more immediately attached to his person; that, as to the question of support, he had reason to believe the detachment was not properly supported, but it was his opinion, at the same time, that the fault lay not with the General, who had given orders in each case that was not complied with, at least until it was too late.

Question by the Court. Do you know, sir, in the course of the campaign, from the time the Army left Fort Washington until its return to that place, any circumstance that could militate against the military character of the General?

Answer. I know of none.

Question by the Court. Do you know of any unnecessary delays?

Answer. None at all; far from it; every thing was done to get forward the Army.

Question by the Court. Does any instance of inebriety in the General come within your knowledge, during the course of the campaign?

Answer. I know of none.

Question by the Court. So far as you are a judge of the organization of the Army, do you think it was proper and judicious?

Answer. So far as I could judge, I think it was extremely judicious.

Question by the Court. Had you any conversation with the officers of the Army on the subject of the organization of the Army?

Answer. I had; and with those who I think were judges, who thought it to be very good.

Question by the Court. Did the arrangement of march appear to be so connected as to be able to support each other in case of attack?

Answer. I think it did, and seemed no less judicious and military in all its parts.

Question by the Court. Did the extreme parts of the encampment appear to be so formed as to be competent to cover the main body of the Army in case of attack by the enemy?

Answer. Perfectly so.

Question by the Court. Was you in the first engagement of the Army?

Answer. I was in the action of the 19th of October.

Question by the Court. Was you in the detachment of the 14th?

Answer. I was not.

Question by the Court. Did the order of battle, on the 19th, appear to you to be a judicious one?

Answer. I think it was not a judicious one.

Question by the Court. Who was the officer who commanded the troops in that action?

Answer. Colonel Hardin.

Question by the Court. In what manner did you attack the enemy; was it in columns, or did you display in any regular order?

Answer. We were attacked in front of columns.

Question by the Court. When you were attacked, were you ordered to display, or form in any regular order?

Answer. No.

Question by the Court. In what manner did you oppose the enemy when you were attacked?

Answer. By endeavoring to form the line to charge them.

Question by the Court. What troops came within your notice that attempted to form when charged?

Answer. Not more than thirty Federal troops and ten militia.

Question by the Court. How many militia had you?

Answer. I don't know.

Question by the Court. What became of the rest of the militia?

Answer. They gave way and ran.

Question. Do you think that if the militia in that action had been properly formed, and in time, that they would have been sufficient to have beat the enemy?

Answer. They were.

Question by the Court. Do you know the motives for making the detachment on the 14th?

Answer. It was supposed for the purpose of gaining the Maumee village before the Indians left it, as we were informed they were preparing to leave it.

Question by the Court. Is that your own opinion?

Answer. It is, and was the general opinion in camp.

Question by the Court. What was the result of the action of the 19th; were the Continental troops and the ten militia defeated?

Answer. They were cut to pieces, except six or seven.

Question by the Court. Do you know from headquarters, or from any principal officers of the Army, what were the motives for making the detachment of the 19th?

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Answer. It was for the purpose of overtaking a party of Indians, whose trails had been discovered.

Question by the Court. Was there any attempt made to support that detachment from the main body?

Answer. Not that I know of.

Question by the Court. What was the distance between the main body of the Army and the detachment attacked?

Answer. Fourteen or fifteen miles.

Question by the Court. From the conduct of the militia, do you think that the General had a right to expect any great support from them, if he had been attacked?

Answer. I don't think he had.

Question by the Court. Was you in the action of the 21st?

Answer. I was not.

Question by the Court. Do you know the motives for making the detachment of the 21st?

Answer. It was for the purpose of seeing if any Indians were in the village.

Question by General Harmar. Did you not think that the detachment sent back under Major Wyllys competent to engage any body of the enemy?

Answer. It was sufficient for any body of Indians in that country.

Question by General Harmar. To what cause was it owing that the detachment did not succeed so perfectly as I could have wished for?

Answer. Because they did not obey your orders, they did not march at the time they were directed.

Question by General Harmar. Upon the first intelligence, do you recollect any support I ordered?

Answer. I recollect you ordered a battalion, I think under Major Ray.

Ensign Morgan being sworn, deposed as followeth: That, as he did not join the Army under the command of General Harmar until the 13th October, he was unacquainted with its progress until that time, when the Army appeared in good order; as he was an Ensign, and carried the standard every fourth or fifth day after his joining the Army, he was frequently near the General, and always observed, as far as he could judge, the greatest propriety of conduct; as to the organization of the Army, the order of march, encampment, and battle, they are perfectly explained in the general orders; as to the motives which influenced the General in sending out the different detachments of the 14th, 19th, and 21st, he was unacquainted; the opinion he took up concerning the one of the 14th, was, that the General finding the Army discovered, resolved to make a push for the towns before they were abandoned, and, as he could not do it with his whole Army, formed the detachment on the 14th under Colonel Hardin; the motive for the detachment of the 19th, he was utterly unacquainted with; that of the 21st, as he supposed, was to pick up any straggling Indians who might have come to the towns, to see what they had been about, but without an idea of the Indians being in force.

Question by the Court. Do you think that the

party of militia that were attached to Major Wyllys' detachment was sufficient to have defeated the Indians if they had done their duty?

Answer. If they had been together, I think they were.

Question by the Court. What time did you return to the Army from the action of the 21st?

Answer. About 5 o'clock, P. M.; the action commenced soon after day-light.

Question by the Court. Did you see anything of the detachment under Major Ray on your return?

Answer. I saw only a party three miles from the camp, under Captain Craig, that were going to our support.

Question by the Court. What was the disposition of the militia after they returned to the Army; were they well affected to the service and orderly?

Answer. I think they were very disorderly, and very inattentive to their duty, and some appearances of mutiny among them, with both officers and men, and turned out upon one occasion, particularly, to oppose a punishment that had been ordered by the General.

Question by the Court. Do you remember any thing of General Harmar's ordering his cannon to fire upon them?

Answer. I remember that General Harmar once said, that if the militia behaved again in so scandalous a manner, that he would order his cannon to fire on them.

Ensign Britt being sworn, deposed: That, with respect to the personal conduct of General Harmar, he knew that he was indefatigable in making arrangements for the execution of the plans which had been formed for the expedition; and he also knew that the difficulties were great which the General had to encounter in organizing the militia, and in endeavoring to establish that harmony which was wanting in their commanding officers, Colonels Hardin and Trotter, which he accomplished apparently to their satisfaction; that he was at all times diligent in attending to the conduct of the officers in the different departments of the Army, and that he was always ready to attend to such occurrences as were consequent to the same, and the necessary exertions to have his orders carried into execution were not wanting; but that there were great deficiencies on the part of the militia, either owing to the want of authority in some of their officers, or from their ignorance or inattention; that the generality of them scarcely deserved the name of anything like soldiers; that they were mostly substitutes for others, who had nothing to stimulate them to do their duty; that, as to the dispositions for the order of march, form of encampment, and order of battle, they were matters which he, being a young officer, could say little about; he presumed they would answer for themselves; that the General's motives for detaching Colonel Hardin on the 14th October, when they were told they were but ten leagues from the Indian towns, he supposed to be, from information they received by a prisoner who was taken on the 13th; that the Indians at the

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Maumee village were in great consternation and confusion, and the prospects were, they might be easily defeated if found in that situation; that, in order to support this detachment, the horses of the Army were ordered to be tied up at night, so that the whole Army might be ready to march early in the morning, which was done accordingly; and that, when Colonel Hardin reached the village, the main body was not more than five or six miles in his rear; that the detachment under Colonel Trotter was ordered to reconnoitre for three days the neighborhood, to endeavor to find out the savages, who had fled from their towns; that this party returned the evening of the same day they started, and next morning Colonel Hardin marched with the same party and fell in with the Indians; that an engagement ensued, in which he was routed, owing to the cowardly behaviour of the militia under his command; that the motives which he conceived led to detaching the party under Major Wyllys, on the 21st, were that the Indians, having avoided engaging the whole Army, would collect at their towns, and harass the rear and flanks as much as possible on its return, and a stroke at them before they could assemble in large bodies, would prevent their doing it with much effect; that the party accordingly met with the Indians, and a battle followed, in which numbers were killed on both sides; that the moment the news of this arrived in camp, Major Ray, with his battalion of Kentucky militia, was ordered to march to the support of Major Wyllys, but that he did not proceed far before he returned.

Question by the Court. Did you, at any time in the course of the campaign, perceive that General Harmar was intoxicated?

Answer. I did not; I lived in the General's family, and should have known it, had anything of that kind happened.

Doctor Allison being sworn, deposed: That the organization of the Army, the orders of march, encampment, and battle, were questions which would be more amply answered by a reference to the Orderly Book, than they could be from the mere relation of an individual, or from any other official information; that, as to the motives which influenced the detachments of the 14th, 19th, and 21st October, those were questions which, if answered at all, must be merely speculative opinions, which it was not always prudent to divulge, nor would they, in his judgment, be admitted as evidence, or even perused by any tribunal, and therefore were nugatory; as he had not the honor of being in the Cabinet, it was utterly out of his power to give any other; that, as soon as the news arrived of the misfortune of the third detachment, a reinforcement was immediately ordered by the General, but whether it actually set out, or what induced it to return, he could not say, or whether sufficiently strong, he did not conceive himself a judge; his situation as surgeon prevented a minute attention to every, or indeed any of the arrangements of the Army; yet, as far as they came within his view or knowledge, they were judicious and uniform; that every attention was paid to the Army, by the General, in every

situation; that every step was taken by him that prudence and military knowledge could suggest, the circumstances of the Army would permit, or that necessity required.

Lieutenant Denny being sworn, deposed: That General Harmar began his preparations for the campaign soon after the 15th July, and that every day was employed in the most industrious manner; that the calculations for provisions, horses, and stores were immediately made out, and orders given accordingly; that great exertions were used by Captain Ferguson to get in readiness the artillery and military stores; and, indeed, every officer was busily engaged, under the eye of the General, in fitting out necessary matter for the expedition, but particularly the Quartermaster—not a moment's time appeared to be lost; 15th and 16th September, the Kentucky militia arrived, but instead of seeing active riflemen, such as is supposed to inhabit the frontiers, they saw a parcel of men, young in the country, and totally inexperienced in the business they came upon, so much so that many of them did not even know how to keep their arms in firing order; indeed, their whole object seemed to be nothing more than to see the country, without rendering any service whatever. A great many of their guns wanted repairs; and, as they could not put them in order, our artificers were obliged to be employed; a considerable number came without any guns at all; Kentucky seemed as if she wished to comply with the requisitions of Government as ineffectually as possible, for it was evident that about two-thirds of the men served only to swell their numbers—19th September, a small detachment of Pennsylvania militia arrived, and the 25th of September Major Doughty, with two companies of Federal troops, joined them from Muskingum. Governor St. Clair had arrived from New York the 22d, and the remains of the Pennsylvania militia came on the 25th. The militia last mentioned were similar to the other—too many substitutes. The General lost no time in organizing them, though he met with many difficulties—the Colonels were disputing for the command, and the one most popular was least entitled to it. The General's design was to reconcile all parties, which he accomplished after much trouble. The Kentuckians composed three battalions, under Majors Hall, McMullen, and Ray, with Lieutenant Colonel Commandant Trotter at their head. The Pennsylvanians were formed into one battalion under Lieutenant Colonel Trubey and Major Paul, the whole to be commanded by Colonel John Hardin, subject to the orders of General Harmar. That, on the 26th of September, the militia marched on the route towards the Indian towns; the 30th, the General having got forward all the supplies that he expected, he moved out with the Federal troops, formed into two small battalions under the immediate command of Major Wyllys and Major Doughty, together with Captain Ferguson's company of artillery, and three pieces of ordnance. On the 3d of October, General Harmar joined the advanced troops early in the morning; the remaining part of the day was spent in forming the line

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of march, the order of encampment and battle, and explaining the same to the militia field officers. General Harmar's orders will show the several formations. On the 4th, the Army took up the order of march, as is described in the orders. On the 5th, a reinforcement of horsemen and mounted infantry joined from Kentucky. The dragoons were formed into two troops; the mounted riflemen made a company, and this small battalion of light troops were put under the command of Major Fontaine. The whole of General Harmar's command, then, may be stated thus:

3 battalions of Kentucky militia	}	1,133
1 do Pennsylvania militia		
1 do light troops, mounted militia		
2 do Federal troops -		
Total	-	- 1,453

The line of march was certainly one of the best that could be adopted, and great attention was paid to keep the officers with their commands in proper order, and the pack-horses, &c., as compact as possible. The order of encampment appeared well calculated both for defence and to preserve the horses and cattle from being lost; however, notwithstanding every precaution taken, and repeated orders given to the horse-masters to hopple well their horses, and directions to officers and men not to suffer any to pass through the lines, many of them, owing to the carelessness of the militia, and the scarcity of food, (though great attention was paid in the choice of ground,) broke loose and strayed through the lines after night, and even passed the chain of sentries which encircled the camp, and were lost. Patrols of horsemen were ordered out every morning by day-light to scour the neighboring woods, and to bring in any horses that might have broke through the lines, and a standing order directed the pickets to turn out small parties and drive in every horse. This was done, he believed, to expedite the movement of the Army. There was no less attention paid to securing the cattle; every evening when the Army halted, the guard, which was composed of a commissioned officer and thirty or thirty-five men, built a yard always within the chain of sentries, and sometimes in the square of encampment, and placed a sufficient number of sentries round the enclosure, which effectually preserved them; there was not more than two or three head lost during the whole of the campaign.

On the 13th of October, early in the morning, a patrol of horsemen captured a Shawnee Indian. On the 14th of October, Colonel Hardin was detached with six hundred light troops to push for the Miami village; he believed that this detachment was sent forward in consequence of the intelligence gained of the Shawnee prisoner, which was that the Indians were clearing out as fast as possible, and that if they did not make more haste, the towns would be evacuated before their arrival. As it was impossible for the main body of the Army, with all their train, to hasten their march much, the General thought proper to send on Colonel Hardin, in hopes of taking a few before they would all get off. This night the horses were all

ordered to be tied up, that the Army might start by day-light, on purpose to keep as near Colonel Hardin as possible; the distance to the Indian towns, when the detachment marched ahead, was about thirty-five miles. On the 15th, every exertion was used to get forward the main body this day: they found that the advanced party had gained but very few miles. On the 16th, in the evening, met an express from Colonel Hardin, who had got into the village, informing the General that the enemy had abandoned every place. On the 17th, about noon, the Army arrived at the Omeé towns. On the 18th Colonel Trotter was ordered out with three hundred men, militia and regulars, to reconnoitre the country, and to endeavor to make some discoveries of the enemy; he marched but a few miles, when his advanced horsemen came upon two Indians, and killed them; the Colonel was contented with this victory, and returned to camp. Colonel Hardin was displeased because Colonel Trotter did not execute his orders, and requested the General to give him the command of the party; it was granted, and accordingly Hardin marched next morning; but he believed he had not two-thirds of his number when two miles from camp; for to his certain knowledge, many of the militia left him on the march, and returned to their companies; whether he knew it or not he could not tell, but that he proceeded on, with a determination to trace some fresh signs of the enemy; he believed the plan was merely to gain some knowledge of the savages. He at length came upon a party, not exceeding one hundred, but was worsted; owing entirely, as he was informed, to the scandalous behaviour of the militia, many of whom never fired a shot, but ran off at the first noise of the Indians, and left the few regulars to be sacrificed; some of them never halted until they crossed the Ohio. The Army, in the mean time, was employed burning and destroying the houses and corn, shifting their position from one town to another; that, on the 21st of October, the Army having burned five villages, besides the capital town, and consumed or destroyed near twenty thousand bushels of corn in ears, took up the line of march on the route back to Fort Washington, and encamped about eight miles from the ruins; that, about 9 o'clock, P. M., the General ordered out four hundred choice men, militia and regulars, under the command of Major Wylls, to return to the towns, intending to surprise any parties that might be assembled there, supposing that the Indians would collect to see how things were left. The General had felt the enemy, knew their strength, and calculated much upon the success of this enterprise; that it was the general opinion the force of the savages was nothing equal to this detachment, and, unless by some such means, there was no possibility of getting any advantage of them; however, the best laid plan was in some measure defeated by the disobedience of the militia, who ran in pursuit of small parties, and left Major Wylls unsupported; the consequence was, that the Major with most part of the regulars were killed, and our loss was equal if not greater than the savages; that the in-

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tention of this detachment was evident to all the Army, and would have answered the fullest expectations, provided a due obedience had been observed on the part of the militia; to provide against disobedience of orders was what he believed no one would think of; and, had it not been the case, the Major in his opinion might have returned crowned with laurels; that the main body waited for the return of this detachment; but, to their mortification, about 11 o'clock A. M. of the 22d, a fellow who ran back from the field, gave them information of Major Wyllys' misfortune; General Harmar immediately despatched Major Ray with his battalion to the assistance of the parties, but the Major did not get the length, before he met Colonel Hardin returning to camp with his wounded. He was led to believe that about this time the General lost the confidence he had in the militia; those of them among the dead were of the best men; that the effective strength was very much reduced by sickness and otherwise; the regular troops did not furnish more than two hundred; they were in his opinion very insufficient; and he was also clearly of opinion, that had the enemy made an attack upon their camp that evening, or the morning following, the militia were so panic-struck that very few of them would have stood; the consequences that would have happened startled every person with horror; the sick and wounded, and all the stores, artillery, &c., would have fallen a prey to the savages; that this was also the opinion of several of the principal officers, who advised General Harmar of the danger of attempting to return to the town, from the time it would take up, and the probability that the delay would give the savages time to collect from distant quarters. He observed, that the 22d of October was employed in fixing biers for the wounded, and in making repairs. He also observed, that the frost had destroyed the food early on their march out, and that the horses of the Army were now become very much reduced; so much so, that it was utterly impossible for the main body to perform any thing rapidly, and to get back upon the road, which they had so lately passed, was attended with difficulty; he said that the greatest attention was paid, the little Army was kept compact, and vigilance was the word from all who had any reputation to lose; that the militia on their return began to be refractory, showing great signs of a revolt, discharging their pieces in open defiance of the General's orders; some of them, however, were detected and punished, which gave umbrage, and was afterwards the cause of many ill-natured reports, spread without any foundation, to injure the General's reputation. He further observed, that the Army returned by slow marches back to Fort Washington; that General Harmar's conduct during the campaign was observed to be sober, steady, and attentive to the service; and, as his duty required him to be frequently near the General, should certainly have discovered it had he been at any time intoxicated, as has been reported. Every evening, as duty as the Army halted, the General made his remarks for that day, and issued orders

for the movement and arrangements for the next, and every morning he was found among the first prepared for the field.

The Court adjourned until to-morrow morning, 9 o'clock.

SEPTEMBER 18, 9 o'clock, A. M.

The Court met agreeably to adjournment, and again adjourned to September 19, at three o'clock, P. M.

September 19, three o'clock, P. M.—The Court having met again, adjourned to to-morrow morning, 9 o'clock.

Septembrr 20th.—The Court having met, according to adjournment:

Major Ziegler being sworn, deposed: That some time had elapsed before the different corps and battalions could be organized, on account of rank; the militia officers disputing for the command; and after a good deal of exertion by General Harmar, they commenced their march on the 30th September, 1790—the militia under Colonel Hardin, having been sent on a few days before; and on the 3d October they joined the militia, and took up their line of march, and encamped as mentioned in the General's orders. He observed that the orders of march and encampment, motions, &c., &c., were such as would have done honor to the first officers either in America or Europe. All necessary precautions were observed to gain the point General Harmar set out for. On the 14th of October he was ordered to advance, with Colonel Hardin, commanding fifty rank and file of the Federal troops, being part of six hundred men. At 10 o'clock they took up their march, and before they left the ground the rest of the Army was ordered to parade and follow them; he remembered to have seen the Army from an eminence, as he inclined towards the left, with the column to which he was attached. The 15th, at about 3 o'clock, P. M., they arrived at the Miami villages, and at the same time Colonel Hardin sent an express to General Harmar, to inform him that the villages were evacuated. It was his opinion that the motive for this manœuvre was in consequence of a Shawanese, whom they took a few days before, and who acquainted the General that the Indians were ready to move away. The Army arrived the 17th, in the forenoon; and that day, as well as the rest, they were all busy in destroying the Indian corn, &c. He further observed, that on the 18th, Colonel Trotter was detached, with three hundred men of the militia, including thirty Federal troops, but that the Colonel returned the same day, without bringing any information; and that on the morning following, Colonel Hardin took the command of the same party, and advanced to procure some knowledge of the enemy; and on his discovering the enemy, those which were in the rear would not come up and support those engaged in front, and very few of those in front stopped, but ran, and the militia fled in a shameful manner, and the few Federal troops not supported, fell a sacrifice. The Major said, that a sergeant of militia behaving very improperly at

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that time, could not be brought to trial, on account of a brother of his being a Captain, and who made parties that would have been attended with bad consequences, should he be punished, as his brother declared he would raise some men and bid defiance. That on the 21st October, 1790, after they had destroyed a great quantity of corn and five or six villages, they took up their line of march towards Fort Washington; and at night, Major Wyllys was detached with four hundred choice men, in hopes to surprise a body that might be at the ruins: this party was supposed to be sufficiently strong for any number of the enemy embodied. Major Wyllys marched in three columns, with intention to join with the right and left columns at the Miami village, but that the column under the command of Major M'Mullen fell in with a small party of Indians; they followed them, and disobeyed the orders of Major Wyllys in pursuing them and leaving the others unsupported, and so was the left wing; which would not have been if they had joined them, as he supposed it to be sufficiently strong for that party.

He also remembered very well being on picket, or commanding one of the wings as Captain *es Carré*, when the first men arrived with the intelligence that their party had gained ground, and at that very instant General Harmar ordered Major Ray with his battalion to the assistance of those engaged, lest that information should not prove true, but he went but two miles or two and a half, then meeting the scattered detachment returned, to the great surprise of General Harmar; that the success of the detachment was defeated, in a great measure, by the militia running ahead, and leaving Major Wyllys unsupported. The Army remained this day in dressing and fixing the wounded. The militia behaving so bad in several instances, destroyed every confidence the General had in them, otherwise, he would have returned with the Army, but, as things were situated, it would have been running too great a hazard. The Army returned back to Fort Washington. Nothing appeared wanting on the part of the General. Every attention was paid to the Army to guard against surprise. The Major observed that there had been very injurious reports spread about General Harmar, but, if he was to be credited, he knew of nothing that could be alleged against him, or that could possibly injure his reputation in any respect. The good of the service appeared to be his constant study.

Question by the Court. I think, sir, you said that on the 15th, at three o'clock, P. M., you arrived at the Miami village, what did you do after your arrival there? were the militia in good order?

Answer. When we arrived we were very much fatigued, having marched twenty-eight miles that day, I directed that my own men should not go thirty yards from camp. The militia like a rabble strolled into the neighboring villages, in parties of thirty or forty after plunder, such was the situation that one hundred and fifty warriors might have beat us off the ground.

Question by the Court. Did you see any desire in the militia to return to the ground where Major

Wyllys was defeated, or do you suppose they would have gone had they been ordered to go?

Answer. I suppose they would not have gone; they appeared to be panic-struck.

Question by the Court. Are you of opinion that the personal conduct of the General was regular, steady, and tended to the good of the service?

Answer. Undoubtedly so, and very much to the credit of the General.

Question by the Court. From your long knowledge of services do you think that from the complexion of the troops General Harmar had to organize, that the formation of the Army was judicious?

Answer. I think it was.

Question. Do you think that the order of march and encampment, were calculated to secure every part of the Army and its appendages?

Answer. Yes, very much so.

Question by the Court. From your experience, do you think that the order of battle directed by General Harmar, was judicious?

Answer. Yes, perfectly so.

Captain Doyle being sworn, deposed: That previous to the campaign going out last Fall, every day was employed in the most industrious manner; on the arrival of the Kentucky militia they were all much disappointed; that instead of seeing complete riflemen, many were armed with old muskets, much out of repair; the General immediately ordered them repaired with all expedition. He referred the Court as to the line of march, to the General's Orderly Book, and informed the Court, that the personal conduct of the General through the campaign was uniform and steady, and that had the General's orders been strictly obeyed, he was confident he must come home with honor. As to what influenced the General to make detachments he could not say; he was in the detachment on the 14th October, and that the behaviour of the militia in that detachment, was very disgraceful; they ran from town to town in pursuit of plunder, contrary to orders, and on the arrival of General Harmar at the town, two-thirds of them dispersed in the same manner; the General ordered cannon to be fired, merely to collect them, and he at the same time harangued the officers, informing them of the ill consequences of such conduct. That the General's not returning to the village after the ill success of the last detachment, he believed was owing to his not having confidence in his Army. At that time there was a great rumor in camp, the general voice was for returning, their horses were much worn down, and the militia showed great signs of revolt. The reports that the militia circulated after their return home, and which was much to the prejudice of General Harmar, was, he believed, owing to the General's having a few of them punished for disobedience of orders; he thought it certain, that they had no grounds for their ill-natured reports, and that General Harmar would have been justifiable in arresting one or two of the most popular field-officers, and sending them home with disgrace; but a thing of that kind, he observed, would have broken up the Army. He knew of no part of the

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General's conduct; during the whole of the campaign, that could be censured; without it was showing too much lenity to the militia, and thanking them for their conduct, when they merited punishment.

Question by the Court. Do you think that the sending the detachment under Major Wyllys, tended eventually to the preservation of the Army?

Answer. I think the Indians would have harassed us very much on our return if that detachment had not been made.

Question by General Harmar. Did the enemy annoy the Army at all after that detachment was made?

Answer. No, they did not.

Question by General Harmar. Did we see any Indians afterward?

Answer. We did not.

Lieutenant Sedam being sworn, deposed: That he had the honor of serving under General Harmar last Fall, on a campaign against the Indians of the Maumee village, and that he saw nothing in his conduct, but what he thought was very proper; that relative to the organization of the Army he was but little acquainted, and therefore referred the Court to the General's Orderly Book; that he was entirely unacquainted with General Harmar's motives for sending out the different detachments, and if those detachments were not properly supported, it did not appear to him to be the fault of the General, for the militia were a poor set, and behaved very ill upon all occasions; that, after the first action, he heard Major Paul, of the Pennsylvania militia, say: he hoped General Harmar would not put any confidence in them, for he was sure they would not fight.

Question by General Harmar. When I was upon the return at Chillicothe, I ordered one of the militia to be whipped, I was informed that Colonel Trotter and Major M'Mullen said I had no right to punish them. Did you hear me reprimand them for that conduct?

Answer. After the man was punished, I heard you say to Colonel Trotter and Major M'Mullen, that you would send them both home with disgrace for their bad conduct.

Ensign Armstrong being sworn, deposed as follows: That the militia being ordered into battalions and organized, in which he knew the General met with great difficulty; that the order of march and encampment could be better ascertained by a reference to the Orderly Book, than any thing he could add on the subject; that the conduct of the militia in every instance seemed calculated to obstruct every measure adopted by General Harmar; that the conduct of the General in every particular, was perfectly consistent and uniform, and every step taken by him appeared to be the dictate of prudence and sobriety; that what induced the General to send out the detachments, was wholly unknown to him, and therefore unanswerable by him.

Captain Armstrong being sworn, deposed: That on report being made to General Harmar, by Major M'Mullen and others, that the tracks of women and children had been seen on the route

leading towards the Kickapoo towns, a Northwest course, and supposing the enemy had left their families and baggage not far distant from camp, General Harmar, on the morning of October 18th, detached Colonel Trotter, Colonel Hall, Major Ray, and Major M'Mullen, with thirty Federal troops, the mounted infantry, part of the cavalry, and a detachment of militia, amounting in the whole to 300 men. After they had proceeded about one mile, the cavalry gave chase to an Indian who was mounted; him they overtook and killed; before they returned to the column, a second one appeared, on which the four field officers left their commands, and pursued, leaving the troops near half an hour without any directions whatever. The cavalry came across the second Indian, and after wounding one of their party killed him also. When the infantry came up to this place, they immediately fell into confusion, and he gained permission to leave them some distance on the road, where he formed an ambuscade. After he had been some time at his station, a fellow on horseback came to him, who had lost the party in pursuit of the first Indian; he was much frightened, and said he had been pursued by fifty mounted Indians. That on his telling this story to Colonel Trotter, notwithstanding his observations to him, he changed his route, marched in various directions until night, when he returned to camp. That, on their arrival in camp, General Harmar sent for him; and after answering him many questions ordered one subaltern and twenty militia to join his command. With those he crossed the river St. Joseph about ten at night, and with a guide proceeded to an Indian town, about two miles distant, where he continued with his party until the morning of the 19th. His party fired upon an Indian and retook from him two horses. About nine o'clock he joined the remainder of the detachment under Colonel Hardin. They marched on the route Colonel Trotter had pursued the day before, and after passing a morass about five miles distant, they came to where the enemy had encamped the day before. Here they made a short halt, and the commanding officer disposed of the parties at a distance from each other; after a halt of half an hour, they were ordered to move on, and Captain Faulkner's company was left on the ground, the Colonel having neglected giving him orders to move on. After they had proceeded about three miles, they fell in with two Indians on foot who threw off their packs, and the brush being thick, made their escape. He then asked Colonel Hardin where Captain Faulkner was? He said, he was lost, and then sent Major Fontaine with part of the cavalry in search of him, and moved on with the remainder of the troops. That, some time after, he informed Colonel Hardin a gun had been fired in their front, which might be considered as an alarm gun, and that he saw where a horse had come down the road, and returned again; but the Colonel still moved on, giving no orders, nor making any arrangements for an attack. That, some time after, he discovered the enemy's fires at a distance, and informed the Colonel, who replied, that they would not fight, and rode in front of the advance, until fired on

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from behind the fires; when he the Colonel retreated, and with him all the militia except nine, who continued with him, and were instantly killed, with twenty-four of the Federal troops; and seeing his last man fall and being surrounded by the savages, he threw himself into a thicket and remained there three hours in day-light; during that time he had an opportunity of seeing the enemy pass and repass, and conceived their numbers did not amount to one hundred men; that some were mounted, others armed with rifles, and the advance with tomahawks only. He was of opinion that had Colonel Trotter proceeded on the 18th, agreeably to his orders, having killed the enemy's sentinels, they would have surprised their camp and with ease defeated them, or had Colonel Hardin arranged his troops, or made any military disposition on the 19th, that they would have gained a victory; their defeat he therefore ascribed to two causes, the unofficer-like conduct of Colonel Hardin (who he believed was a brave man) and the cowardly behaviour of the militia; many of them threw down their arms loaded, and he believed that none, except the party under his command, fired a gun. What he saw of the conduct of the militia on that day, and what he felt by being under the command of a man who wanted military talents, had caused him to determine, that he would not willingly fight with the one, or be commanded by the other. That he referred the Court to the Orderly Book which pointed out the line of march, encampment and battle.

Question by the Court. Are you clearly of opinion that if the militia had done their duty, they were fully competent to have defeated the Indians?

Answer. I think they were fully so.

Question by the Court. According to your ideas, as an officer of experience, was the formation and arrangement of the different corps of the Army by General Harmar at the commencement of the expedition judicious?

Answer. I think they were.

Question by the Court. Did the line of march appear to you to be a judicious one, calculated for the protection of the Army in all its parts?

Answer. I think so.

Question by the Court. Do you think the mode of encampment was calculated both for defence and protection?

Answer. As much so as any one that could possibly be adopted?

Question by the Court. What was your opinion of the General's order of battle?

Answer. I think it was a judicious one.

Question by the Court. Do you think that the making the detachment of the 21st, was in its consequences useful to the return of the Army?

Answer. I can judge from circumstances only; that we were not harassed by the enemy afterwards.

Question by the Court. Do you know if any detachment was made for the purpose of supporting Major Wyllys?

Answer. As soon as information of the Major's misfortune arrived in camp, the General ordered

all the troops under arms, but whether any detachment was made from them or not, I do not know.

Question by the Court. Do you suppose that if General Harmar had ordered the Army back, the militia would have gone?

Answer. I am of opinion that if a serious attack had been made, in fifteen minutes the militia would have deserted us and left the Federal troops and artillery to be sacrificed.

Question by General Harmar. Do you recollect the proceedings of the militia at Chilicothe on our return?

Answer. I recollect your saying to Colonel Trotter and Major M'Mullen, that you would post them in their country for their unsoldier-like conduct and that they ought to be hanged.

Ensign Shamburgh being sworn, deposed: That the organization of the Army under General Harmar was, as far as he was capable of judging in military affairs, exceedingly well; that the march, encampment, and order of battle were also, in his opinion, very well planned; that he was not capable of judging of the motives which influenced the detachments of the 14th, 19th, and 21st October; but it was his opinion, at that time, that the General was apprehensive, that as the savages had been successful in the preceding engagements, they would harass his Army on his return; in consequence thereof, he ordered the party commanded by Major Wyllys in order to check them, which he believed had its effect; he recollected that the different detachments sent out were numerous, and, he believed, sufficient to fight such number of Indians as were then together, if the commanding officers thereof had taken more precaution; he had been told at the time that Major Ray was ordered to support Major Wyllys, but he could not determine whether that officer had obeyed his orders. He observed, that the loss of so many pack-horses was owing to the neglect of horsemasters, notwithstanding the repeated orders of the General on that head; it appeared to him as if they were parties concerned, and glad to lose their horses, because they had a very great appraisalment for the same. He observed that he did duty in the Ordnance Department at that time, and had fifty pack-horses under his direction, which gave him an opportunity to know the negligence and incapacity of both horsemasters and drivers.

Question by General Harmar. Do you think after the last detachment was made under Major Wyllys, and the remains of his party returned to camp, that the militia would have gone back if they had been ordered?

Answer. I think not.

Question by the Court. Was the appearance of the militia, after the action of the 21st, orderly or disorderly?

Answer. Very disorderly.

Question by the Court. Was there any particular cause ascribed, that you heard of, for their disorderly conduct?

Answer. Not that I know of, the militia, both officers and men, seemed determined to go home,

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and said frequently that ten Federal regiments should not keep them.

Question by the Court. Did you observe whether the militia were as well treated as the Federal troops?

Answer. Perfectly the same.

Ensign Gaines, who was Captain of horse in General Harmar's expedition, being sworn, deposed: That on the expedition he was almost every evening at General Harmar's tent until the 24th October, when he was detached forward to Fort Washington, and that during the whole time he did not see General Harmar in the least intoxicated with liquor, but that on the contrary the General conducted the Army in a manner which, in his estimation, did him great honor. He further observed, that he had served on a number of expeditions against the savages, undertaken by the militia of Kentucky, and that he never saw in any of them, the like good order and military arrangement which accompanied General Harmar's expedition; he also observed, that the people in Kentucky never alleged any charge against General Harmar, until Colonel John Hardin had acquitted himself before a Board of Inquiry of several charges exhibited against him, respecting his conduct on that expedition; that the populace finding nothing they could say to the prejudice of the Colonel would be believed, levelled their malice at General Harmar. He did not conceive that any thing would have been said against the General in that country, if a Baptist preacher's son, who resides there, had not been whipped in the Army for disobedience of orders.

Question by the Court. I think you say you have been in several expeditions against the Indians; did the militia who were with General Harmar conduct better or worse than those in other expeditions?

Answer. Much better, sir.

Question by the Court. Was you in the action of the 19th?

Answer. I was.

Question by the Court. Is it your opinion, that if the militia had been properly arranged in that action, and would have fought, that they would have been sufficient to have defeated the Indians?

Answer. Yes; for it appeared to me that the Indians were surprised; that if Colonel Trotter on the preceding day had not returned, he most certainly must have been in their camp, and completely defeated them; for I had taken two of their spies the day before, which appeared to be the only two they had out.

Question by the Court. Do you think that, if General Harmar had ordered the Army back, after the action of the 21st, that the militia would have gone?

Answer. They would not have gone willingly. I think in that case there would have been danger of mutiny. When the militia of Major Wyllys' detachment were ordered to march, they appeared unwilling to go, and some were so much so as to cry.

Question by the Court. Is it your opinion that the movement of the detachment under Major

Wyllys had a good effect in securing the Army from being attacked and harassed on its return?

Answer. I think it had a very good effect.

Question by the Court. Did the Indians ever attack you afterwards?

Answer. Not while I continued with the Army.

Captain Asheton, being sworn, deposed: That the organization of General Harmar's Army was a source of trouble and difficulty, arising from disputes among the militia officers for precedency, but, when effected, was in all its parts systematical; that the organization of the Army, the order of march, encampment, and battle, when duly considered, cannot fail to raise the General in the estimation of every military man. That it had been basely reported that the General was in a state of intoxication nearly the whole of the campaign; this he asserted to be a malicious falsehood; and he averred that his personal conduct during that time will ever do him honor. He said the motives which influenced the detachments of the 14th, 19th, and 21st of October, could only be accounted for by the General himself; but he supposed that the detachment under Colonel Hardin was sent in consequence of information gained from a prisoner taken on the morning of the 13th, and from a Frenchman employed as a guide, who reported that it was something more than half a day's ride from a place called the French Store (at which place the Army encamped the night of the 13th) to the Maumee villages. This detachment was supported by the whole Army, and moved off the ground at the same time with as much rapidity as possible, and arrived at the villages on the 17th, where the Army encamped. On the morning of the 18th I mounted guard in front of the encampment. In the course of that day I was informed that a detachment of three hundred men were ordered out under Colonel Trotter, with three days' provisions, with orders to scour the country; but they returned the same evening to camp, without effecting anything. Colonel Hardin, disgusted at the conduct of Colonel Trotter, and anxious to retrieve the lost honor of his countrymen, solicited the same command, which was granted. He marched on the morning of the 19th, while he was yet on guard, and was defeated the same day by the Indians. He could not say what influenced the General to send out a detachment on the 21st, but he observed that the Indians were flushed with success in the action of the 19th. That it had become necessary to give them a sudden check, in order to prevent the Army from being harassed on its return; and that, if this was the General's intention, he was fully persuaded it had its desired effect. On the 21st the Army marched eight miles from the Maumee villages, on its return. Late that night a corps of three hundred and forty militia and sixty of the Federal troops, under the command of Major Wyllys, were detached, that they might gain the vicinity of the Maumee villages before the morning, and surprise any Indians who might be found there. The detachment marched in three columns, the Federal troops in the centre, at the head of which he was posted, with Major Wyllys and Colonel Hardin

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in his front; the militia formed the columns to the right and left. From several delays, occasioned by the militia's halting, they did not reach the banks of the Omece till some time after sunrise. The spies then discovered the enemy, and reported to Major Wyllys, who halted the Federal troops, and moved the militia on some distance in front, where he gave his orders and plan of attack to the several commanding officers of corps; those orders were not communicated to him; that Major Wyllys reserved the command of the Federal troops to himself. Major Hall, with his battalion, was directed to take a circuitous route round the bend of the Omece river, cross the Pickaway Fort, (or St. Mary's,) which brought him directly in the rear of the enemy, and there wait until the attack should commence with Major McMullen's battalion, Major Fontaine's cavalry, and Major Wyllys with the Federal troops, who all crossed the Omece at and near the common fording place. After the attack commenced the troops were by no means to separate, but were to embody, or the battalions to support each other as circumstances required. From this disposition it appeared evident that it was the intention of Major Wyllys to surround the enemy; and that if Colonel Hall, who had gained his ground undiscovered, had not wantonly disobeyed his orders, by firing on a single Indian, the surprise must have been complete. The Indians then fled with precipitation, the battalions of militia pursuing in different directions. Major Fontaine made a charge upon a small party of savages; he fell the first fire, and his troops dispersed. The Federal troops, who were then left unsupported, became an easy sacrifice to such the largest party of Indians that had been seen that day. It was his opinion that the misfortunes of that day were owing to the separation of troops and disobedience of orders. After the Federal troops were defeated, and the firing in all quarters nearly ceased, Colonel Hall and Major McMullen, with their battalions, met in the town, and, after discharging, cleaning, and fresh loading their arms, which took up about half an hour, proceeded to join the Army unmolested. He was convinced that the detachment, if it had been kept embodied, was sufficient to have answered the fullest expectations of the General, and needed no support; but he was informed that a battalion under Major Ray was ordered out for that purpose.

Question by the Court. Is it your opinion that, if the General had ordered the Army back, the militia would have gone?

Answer. I do not think they would.

Lieutenant Kersey, being sworn, deposed: That when the militia arrived at Fort Washington, they were formed into battalions and properly organized. He knew that General Harmar had a great deal of difficulty to get them arranged; their arms and accoutrements were in very bad order. He wished to refer the Court to the General's Orderly Book for information relative to the order of march. In his opinion General Harmar's conduct was uniform, steady, and sober, during the whole expedition. He was also of

opinion that the detachment of the 14th was in consequence of information received from a prisoner, taken the morning before, which was, that the enemy were running away; and the detachment of the 19th was to gain some knowledge of them, and the detachment of the 31st was to surprise and take advantage of them; which, in his opinion, would have happened had the militia attended to the directions and plan laid down for that enterprise. He observed that the reduced state of the pack-horses, notwithstanding every attention was paid to secure and keep them in good condition, rendered it impossible for the Army to take any advantage of the enemy. The militia had proved that they were not to be depended upon; their dastardly behaviour, in three instances, destroyed every confidence the General had in them. He therefore determined to return, and not to hazard another engagement, unless the enemy came in reach of the main body. That the Army took up the march to return to Fort Washington, and it was with great difficulty that the General kept them together until they arrived there.

Question by the Court. From your knowledge of service, is it your opinion that the organization of the Army was judicious?

Answer. I think it was.

Question by the Court. Do you think that all the movements of the Army were so connected as to be able to sustain each other in case of attack by the enemy?

Answer. I think they were.

Question by the Court. Do you think that through the course of the campaign the General's conduct was open and decisive throughout?

Answer. I think it was.

Question by the Court. Was the conduct of the militia tolerably regular on their advance towards the Maumee towns?

Answer. It was more regular than it was on the return; but it was very irregular.

Question by the Court. Do you suppose it was necessary to make the detachment of the 31st, in order to prevent the Indians harassing the Army on its return?

Answer. I think it was, and for that purpose.

Question by the Court. If the General had ordered the Army to return to the towns, after Major Wyllys' misfortune, would the militia have gone?

Answer. I think they would not; they would have mutinied.

Question by the Court. Was the Army harassed by the Indians after the 21st, on its return?

Answer. Not to my knowledge; I believe there was not one seen.

The Court adjourned to meet at 9 o'clock, tomorrow morning.

SEPTEMBER 21.

The Court met according to adjournment.

Major Heart was sworn, and deposed: That General Harmar's conduct on his expedition in October, 1790, was at all times steady, calm, and deliberate, and was always attentive to the ar-

Court of Inquiry on General Hemsar.

rangements and applications made to him, and to the informations given, as far as came under his observation; that he was often at his quarters and marched in front of the right column, which was generally within fifty yards of him. That the organization of the Army being published in the daily orders, would speak for itself; he, however, never heard an individual find fault with it during the campaign, or point out any defects, except in the commissary and pack-horse departments, and in those the execution, and not the arrangements were found fault with; that the order of march was in three columns, covered with front, rear, and flank guards, which order was generally preserved, and as well executed as could be expected with a body composed mostly of militia, and embarrassed with pack-horses; that the encampment was in a square with the baggage, horses, cattle, and stores in centre; guards were posted in such manner as to form a line of sentries round the whole, field officers appointed to dispose those guards, and to see duty well done, and they were so disposed as to prevent surprise, and had the horse department followed orders, would have secured the horses; as they had not occasion to form the line of battle, he could not determine how it would have been executed, but it was simple, easy to be understood, and universally approved. With respect to making the detachments, he had never been in council, and could only assign such motives as offered themselves at the time from a concurrence of circumstances. The detachment of the 14th, he presumed, at that time, was made in consequence of information obtained from a prisoner, that the Indians were confused and distracted in their councils, and was designed to surprise them, prevent their concerting measures to unite, and attack them, and not give them time to secure their provisions and property, and that the desired effect was answered, so far as to prevent their securing so much as they would otherwise have done. The whole Army was put in motion the moment the detachment moved off, and followed with as much rapidity as artillery and stores would admit of, to support the detachment; that the detachment of the 19th was made in consequence of repeated information of having discovered a trail of men, women, and children, and on the fullest assurance, as he was then informed, that the detachment was adequate for attacking the party they were in quest of. A *corps de reserve* was ordered, but never came up; it was dark before information was brought to the General that the party were defeated, and a support could not be sent that night; a detachment was ordered to march next morning, but for what purpose he could not say. The detachment of the 21st, he had every reason to believe, was made on the general system, viz: to find the enemy, and give them a check, to prevent their attacking and harassing the Army on the retreat, and on that principle the detaching was inevitable; he did not know that any support was ordered; he was on the left, but he knew that the greater part of the detachment came in very soon after the intelligence of the defeat was brought, and it was too

late for giving any assistance. He did not expect that the General would make a detachment to support them, after the repeated proofs that the militia would not stand, and he presumed the situation of the horses would not admit of returning with the Army. He supposed the detachment calculated to cover itself, and doubtless would have happily succeeded, had the right and left columns obeyed the orders which it is said Major Wylls had given. He knew of no one circumstance in the General's conduct during the expedition, which ought to injure his reputation; and, though the misfortunes of the 21st were to be lamented, yet he believed the salvation of the remainder of the Army, the baggage, and stores, were due only to the making that detachment.

Question by the Court. On the arrival of the troops in camp, who were defeated on the 21st, do you think, from the state of mind the militia were in, that, if the General had ordered the Army back, the militia would have gone?

Answer. I do not know whether they would or not; but, if they had gone, and not having any place to retreat to, I am of opinion they would have fled as soon as they were attacked, and have left the Federal troops to be sacrificed.

The Court then adjourned to to-morrow morning, at 9 o'clock.

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SEPTEMBER 22.

The Court having met according to adjournment, directed the Recorder to write the following letter to his Excellency General St. Clair:

FORT WASHINGTON, *September 22, 1791.*

SIR: I am directed by the Court of Inquiry now sitting in this place, to inform your Excellency that the Court have gone through the examination of all the witnesses that have been adduced, and that those from Kentucky, who were referred to in your Excellency's letter to the President of the Court, have not appeared. The Court are now ready to close their proceedings, unless your Excellency has information of any further evidence being ready, of which the Court beg to be informed.

I have the honor to be, with the most perfect respect, your Excellency's most obedient servant,
 WINSLOW WARREN,
Recorder to the Court.

To His Excellency General ST. CLAIR.

To which letter, his Excellency General St. Clair sent the following answer:

FORT WASHINGTON, *September 22, 1791.*

SIR: You will please to inform the Court that I know of no evidences here, other than those that have been before them, and that it is not probable those from Kentucky will come forward. I therefore see no reason why the proceedings should not be closed.

I am, sir, your very humble servant,
 ARTHUR ST. CLAIR.

MR. WARREN,
Recorder to the Court of Inquiry.

Court of Inquiry on General Harmar.

Soon after, the following letter was received :

SEPTEMBER 22, 1791.

SIR : Since I wrote to you a moment ago, I have been informed that it is probable more testimony will be offered to the Court in the course of this day. If the Court, then, have not already closed their proceedings, I wish they would be pleased to defer it until to-morrow morning, of which please to inform them.

I am, sir, your humble servant,

A. ST. CLAIR.

Mr. WARREN.

To which the following answer was returned :

FORT WASHINGTON, September 22, 1791.

SIR : I am directed by the President of the Court of Inquiry to inform your Excellency that, in consequence of the last letter with which you were pleased to honor them, they have adjourned to meet to-morrow, at 9 o'clock, a. m.

I have the honor to be, your Excellency's most obedient servant,

WINSLOW WARREN.

His Excellency General St. CLAIR.

The Court then adjourned to September 23d, 9 o'clock, a. m.

SEPTEMBER 23.

The Court met according to adjournment ; and, no further evidences appearing, came to a resolution to close their proceedings.

The Court, having deliberately considered the evidence before them separately and aggregately, are unanimous in the following opinion :

1st. That the personal conduct of the said Brigadier General Harmar was irreproachable.

2d. That the organization of the Army was calculated to support harmony, and give mutual confidence to the several parts.

3d. That the order of march (a copy of which is annexed to these proceedings) was perfectly adapted to the country through which the Army had to pass.

4th. That the order of encampment and battle (plans of which are also subjoined) were judicious, and well calculated to give security to the camp, energy to the troops in case of attack, and simple in its execution.

5th. That there were just reasons for the detachments of the 14th and 19th of October ; that the detachment of the 21st was made on good principles, and had the designed effect of securing the return of the Army, and preventing the enemy from harassing their rear ; that the General had ordered support for the said detachment in time, but that his orders were not properly executed ; and that the conduct of the said Brigadier General Josiah Harmar merits high approbation.

RICHARD BUTLER,

Major General, President.

Attest : WINSLOW WARREN,

Lieut. and Adj't to the 2d U. S. reg't.

Recorder to the Court.

[Here follow Diagrams of the order of battle.]

The depositions Nos. 1, 2, 3, and 4, have been handed in, and read to the Court. They have thought proper to subjoin them to their proceedings, for your Excellency's information.

No. 1.

Territory of the United States Northwest of the River Ohio.

Caleb Worley, of the county of Fayette, in the District of Kentucky, Lieutenant in Colonel Paterson's Battalion of Kentucky Militia, maketh oath, and saith : That this deponent served as Lieutenant in a Battalion of Kentucky Militia, commanded by Major McMullen, on the late expedition undertaken against the savages of the Omee towns ; and that he, this deponent, had very frequent opportunities of seeing and conversing with Brigadier General Harmar, who commanded the whole forces so employed. And this deponent saith, that he never did, to the best of his knowledge, see the said General Harmar in a state of intoxication, nor wanting in that duty and attention which he owed to the safety and order of the troops under his command. And further saith not.

C. WORLEY.

Sworn the 5th day of May, 1791, at Cincinnati, in the county of Hamilton, before me, George Turner, one of the Judges in and over the Territory aforesaid.

G. TURNER.

No. 2.

Territory of the United States Northwest of the River Ohio.

John Thorp, Superintendent of Artificers in the Army of the United States now serving at Fort Washington, in the county of Hamilton, maketh oath and saith : That he, this deponent, commanded the Corps of Pioneers on the late expedition against the Omee towns, under the command of Brigadier General Josiah Harmar ; that, during the whole march of the forces so under the said General Harmar's command, both advancing and returning, it appeared to him, this deponent, that the said General conducted himself in a regular and truly military manner ; that the General's deportment was on all occasions no less regular, becoming, and military, while in camp, than on the march, to the best of this deponent's knowledge and belief ; and that, although it was a part of this deponent's duty to attend personally on the General early every morning, and also at the encampment every night, yet he, this deponent, does not remember that he ever perceived the said General Harmar in a state of intoxication during the whole expedition, but, on the contrary, verily believes that the said General Harmar's conduct throughout the expedition, was marked with great sobriety and eminent vigilance.

JOHN THORP.

Sworn at Fort Washington aforesaid, the 27th day of April, in the year of our Lord 1791, before me, one of the Judges in and over the Territory aforesaid.

G. TURNER.

Court of Inquiry on General Harmar.

No. 3.

Territory of the United States Northwest of the River Ohio, ss:

William Wells, Esq., of the North Bend, in the county of Hamilton, one of the Judges of the Common Pleas held in and for the said county, and superintendent of commissary's stores during the late expedition against the Omee savages, being duly sworn, maketh oath, and saith as follows, that is to say: First, this deponent saith that the duties of his late appointment as superintendent, aforesaid, required him to be about the person of the General commanding the troops on that expedition every morning and night, and that the said Commanding General (Josiah Harmar, Esq.,) uniformly appeared to him (this deponent) in a state of sobriety, competent to the transaction of any business pertaining to his station. And further this deponent saith not.

WILLIAM WELLS.

Sworn at Cincinnati, in the county of Hamilton, and Territory aforesaid, this 19th day of May, 1791, before me, George Turner, Esq., one of the Judges in and over the said Territory.

No. 4.

The affidavit of Colonel John Hardin, taken in consequence of a Court of Inquiry, to be held at Fort Washington, respecting the conduct of Brigadier General Harmar on the expedition against the Maumee towns, in October, 1790.

This deponent, being first sworn, deposeth and saith: That, on his arrival with the Kentucky militia at the mouth of Licking, he commenced an acquaintance with General Harmar; found, from his conversation, that he had the good of his country and the expedition very much at heart; business was carried on regularly, and with as much expedition as the nature of the case would admit. About the 1st of October we proceeded on our march; after the line of march was formed the General issued his orders regularly, and observed very strictly that they were executed; on our march there was an Indian prisoner taken, who gave information that the Indians and French were repairing the Old Fort at the Maumee town, and that the Indians were not likely to get any of the neighboring tribes to join them; this prisoner also informed us they did not know that General Harmar had any artillery. After receiving this information the General and this deponent consulted upon the matter, and it was agreed to detach six hundred men, leaving all their heavy baggage, and march rapidly to the towns, hoping that the enemy would fly to their fort, provided the artillery was not discovered, and that six hundred, rank and file, would be sufficient to keep them in their fort until General Harmar arrived with the artillery and balance of the Army. Accordingly, when the General was informed by the guides that they were within thirty or thirty-five miles of the towns, there was a detachment ordered to make ready with all possible expedition; those orders were so pleasing to the officers that they disputed who should go, and some cast lots in

order to settle the dispute; this deponent, being honored with the command, left the General with his detachment, and saw him no more until he arrived at the Maumee village, which he thinks was about three or four days after he left him, during which time he heard no complaints of General Harmar. After the General's arrival at the Maumee village, and the Indians all fled, he expressed a very great desire to make his route by the Wea town, on the Wabash; for this purpose there was a council ordered to be held; but, before the council met, finding the Indians had stolen, the night before, a number of pack-horses and some of the light-horemens' horses, there was a stop put to the business, and the thoughts of the route by the Wea towns laid aside. There was an old French captive that was taken informed us the Indians were scattered in the woods, and were not able by any means to fight us, and that they had not got any assistance from other tribes; this induced this deponent to solicit the General for a command of about three or four hundred men, to range the woods for ten or twelve miles, which he granted, and ordered the three hundred men to be furnished with three days' provisions; these orders were as pleasing to the officers and soldiers as the former; Colonel Trotter insisted he had been promised a command; and, as it appeared this would be productive of something very clever, he wished to be indulged with the command of the detachment then ordered out, which was granted by the General, this deponent consenting thereto. Colonel Trotter marched on the morning of the 18th October, equipped for a tour of two or three days, in order to hunt up Indian camps; he returned on the evening of the same day, at the time the General and the deponent were about fixing the guards, in order to capture any of the enemy that might come to steal horses. The General appeared much displeased with the conduct of Colonel Trotter, and ordered the same party out again that evening, and for this deponent to go next morning and take charge of them. This deponent, agreeably to the orders given, collected what he could of the party next morning; and, after proceeding about ten miles, fell in with a party of Indians, who began a very brisk fire on the detachment, who retired without making but very little resistance, notwithstanding all exertions to prevent them. This deponent, when he returned to camp, informed the General what had happened; that it was owing to the cowardly behaviour of the militia, and insisted on another party being sent to the battle-ground. The General informed this deponent he would let him know in the morning. Accordingly he told him that he had not completed the object that he was ordered to do, and that if anything should happen to prevent him, he should be reflected on, as he had been in the possession of the towns so long, and had not destroyed them, that he would first give orders for that purpose, and then he would be better able to judge what was best to be done. On the morning of the 20th orders were given for destroying the towns, which was executed accordingly. At this time the men appeared more timid than be-

Court of Inquiry on General Harmer.

fore; the General told this deponent he thought it would not answer a good purpose to go to the battleground, as the spirits of the men appeared to be very low at hearing of so many men being killed, and that the sight of the mangled bodies would make them much more so; and the Indians, if not able to fight us, would be gone; and that he should give orders to take up the line of march to Fort Washington. Accordingly, on the morning of the 21st, we left the towns and began our march for the mouth of Licking, in about eight or nine miles encamped. The night being very clear, and the moon giving light, this deponent informed the General that he thought it would be a good opportunity to steal a march on the Indians, as he had reason to believe they returned to the towns as soon as they knew the Army had left it. The General did not appear fond of sending a party back, but this deponent urged the matter, informing the General that, as he had been unfortunate the other day, he wished to have it in his power to pick the militia and try it again; and at the same time endeavored to account for the men's not fighting, and desired an opportunity to retrieve the credit of the militia; the General appeared not to be of opinion the enemy would return so soon, but told this deponent he might take about one hundred men and go back; this deponent replied he did not wish to go back with less than five or six hundred men; the General answered that the troops were very much fatigued, and that it would not answer any valuable purpose to send so many men; this deponent then left the General; in about half an hour he was sent for, when the General informed him that he intended to send Major Wyllys back with all the Federal troops that could be spared, saying, at the same time, they were the men that would stand to the work, and that he wanted about one hundred of our best militia. After some conversation between the General and this deponent, the latter went to Major Wyllys and told him he did not like his going back with so few men; the Major, also thinking the number too few, wished this deponent to speak to the General on the subject, which was done. Major McMullen and Major Hall were then sent for, and the design made known to them; they both appeared well pleased with the affair; it was then proposed what number of men would be sufficient, this deponent recommending from four to six hundred; they both concluded that four hundred men were fully sufficient. The General seemed perfectly satisfied that any number of troops that were thought adequate to the purpose should be ordered; accordingly, four hundred men, consisting of sixty regulars, three hundred foot militia, and forty horsemen, rank and file, properly officered, were ordered to be ready to march at midnight; this deponent was honored with the command of the militia.

The troops marched agreeably to orders about two o'clock, and after proceeding to the towns they fell in with a party of Indians, (a battle ensued, the result of which is generally known;) as they returned, about one and a half miles before we got

to camp. This deponent sent a horseman forward to inform the General what was done, and very shortly after he had despatched this horseman, met Major Ray, with about thirty men, who informed him there had come a horseman into camp, and had acquainted the General that the party was nearly all cut off, that the General had sent him with what men he could get out of the militia to meet what had escaped of the detachment, that those with him were all that would turn out: this deponent informed the Major otherwise, and requested him to wait until Major M'Mullen, Major Hall, and Major Ormsby should come up, that they were but a small distance behind, and he would go forward to the General. When this deponent arrived at camp and informed the General what was done, he appeared to be well satisfied; he also asked the General if he would not send back another party to keep possession of the battle ground? he replied, he would not divide his Army any more, when this deponent insisted on the whole Army's marching back, no person being present, except the General, Major Doughty, and this deponent: the General answered, You see the situation of the Army, we are now scarcely able to move our baggage, it will take up three days to go and return to this place, we have no more forage for our horses, and if the Indians intend to collect, which he apprehended they would, from their success on the 19th, it would give them a great opportunity; that they had got a very good scouring, and he would keep the Army in perfect readiness to receive them, should they think proper to follow: and finally concluded that under the present circumstances, it was best to move forward to Fort Washington, and if the Indians did follow, he would make every exertion in his power to defeat their intentions; Major Doughty appeared perfectly to agree with the General in opinion. The bounds of the camp were made less; the Army continued at the same camp until next morning, orders were given to march at the usual hour, which was eight o'clock; during this time this deponent never heard any person express a desire to go back to the towns, except two soldiers of Major Ray's party, by the names of Miller and Hammond. Next morning, at the hour appointed to march, the General moved with the front of the Army, and halted at a very small distance, litters not being ready for all the wounded. This deponent, with the rear guard, and many others, did not leave the camp until ten o'clock, when they moved on and joined the Army; the whole then proceeded on towards Fort Washington, with as much regularity as was observed in going out, until we came to the old Chillicothe on little Miami, when a number of militia, contrary to orders, fired off their guns. This deponent endeavored to put a stop to such disorderly behaviour; and commanded that those offenders that could be taken should be punished agreeably to general orders, and having caught a soldier himself in the very act of firing his gun, ordered a file of men to take him immediately and carry him to the six-pounder, and for the drummer to tie him up and give him six lashes. This deponent was shortly after

Commerce with Great Britain.

met by Colonel Trotter and Major M'Mullen, and a number of militia soldiers, who in an abrupt manner asked him by what authority he ordered that soldier whipped? he replied, in support of general orders; on which a very warm dispute ensued between Colonel Trotter, Major M'Mullen, and this deponent. The General, being informed of what had happened came forward and gave Colonel Trotter and Major M'Mullen a very severe reprimand, ordered the Federal troops to parade, and the drummer to do his duty, swearing he would risk his life in support of his orders. The man received the number of lashes ordered, and several that were confined were set at liberty; numbers of the militia seemed much pleased with what was done. This intended mutiny being soon quashed, the Army proceeded in good order to Fort Washington. When the Army arrived at the mouth of Licking, the General informed this deponent he had determined to arrest some of the militia officers for their bad conduct, and send them home with disgrace; but this deponent opposed his intention, alleging that it would be a disgrace to the whole militia, that he would perhaps stand in need of their assistance on some future occasion, and it would sour their minds and cause them to turn out with reluctance, and that his discharging them generally with honor, perhaps would answer a better purpose; the General readily indulged the request of this deponent. This deponent further observes, that during the expedition he never heard officer nor soldier find fault, or give the most distant hint of being displeased with the General's conduct in any respect, nor charge him with cowardice or drunkenness, and expected the General had given general satisfaction: and what more confirmed his opinion, was after their arrival at Fort Washington, the General invited all the field and some other officers to dine with him, amongst whom was Colonel Trotter, Major Doughty, Major Hall, and Major M'Mullen. Dinner being over, wine was introduced; the General stepping out on some occasion, Major Hall proposed drinking his health, it was unanimously agreed to, and with as much cheerfulness as any other health that was proposed. This deponent continued at Fort Washington a few days after, and never heard any person speak a disrespectful word of General Harmar, or find fault in the least with his conduct whilst on the expedition. When this deponent returned home in Kentucky, hearing such reports respecting the expedition, was much amazed, but concluded it arose from a want of knowledge and proper information, or from prejudice. This deponent further saith, that he looked on General Harmar to be a very brave and experienced officer. And further saith not.

JOHN HARDIN.

NELSON, *ss.*

This day came Colonel John Hardin before me, a Justice of the Peace for said county, and made oath, that the above affidavit was just and true to the best of his knowledge, and subscribed his name in my presence. Given under my hand, this fourteenth day of September, 1791.

JOHN CALDWELL.

I have read the above affidavit, and what comes within my knowledge of it, I know to be true, and the rest I believe to be true. Given under my hand, this fifteenth of September, 1791.

STEPHEN ORMSBY.

Sworn to before me, a Justice of the Peace for Nelson county.

BENJAMIN FRYE.

COMMERCE WITH GREAT BRITAIN.

Message from the PRESIDENT of the UNITED STATES, communicating the correspondence between the British Minister Plenipotentiary and the Secretary of State, in relation to the Commerce of the two countries.

Gentlemen of the Senate and House of Representatives:

I have thought it proper to lay before you a communication of the 11th instant, from the Minister Plenipotentiary of Great Britain to the Secretary of State, relative to the Commerce of the two countries; together with their explanatory correspondence, and the Secretary of State's Letter to me on the subject.

GEO. WASHINGTON.

APRIL 13, 1792.

PHILADELPHIA, April 13, 1792.

SIR: I have the honor to lay before you a communication from Mr. Hammond, Minister Plenipotentiary of his Britannic Majesty, covering a clause of a statute of that country relative to its Commerce with this, and notifying a determination to carry it into execution henceforward. Conceiving that the determination announced could not be really meant as extensively as the words import, I asked and received an explanation from the Minister, as expressed in the Letter and answer herein enclosed; and, on consideration of all circumstances, I cannot but confide in the opinion expressed by him, that its sole object is to exclude foreign vessels from the islands of Jersey and Guernsey.

The want of proportion between the motives expressed and the measure, its magnitude and consequences, total silence as to the proclamation on which the intercourse between the two countries has hitherto hung, and of which, in this broad sense, it would be a revocation, and the recent manifestations of the disposition of that Government to concur with this in mutual offices of friendship and good will, support his construction.

The Minister, moreover, assured me verbally that he would immediately write to his Court for an explanation, and in the mean time is of opinion that the usual intercourse of Commerce between the two countries (Jersey and Guernsey excepted) need not be suspended.

I have the honor to be, with sentiments of the most profound respect and attachment, sir, your most obedient and most humble servant,

TH. JEFFERSON.

The PRESIDENT of the U. S.

Petition of Catharine Greene.

PHILADELPHIA, August 11, 1792.

SIR: I have received, by a circular despatch from my Court, directions to inform this Government that, considerable inconveniences having arisen from the importation of tobacco in foreign vessels into the ports of his Majesty's dominions, contrary to the act of the 12th Charles II, chapter 18, section 3, (commonly called the Navigation act,) it has been determined, in future, strictly to enforce this clause, of which I take the liberty of enclosing to you a copy.

And I have the honor to be, with perfect esteem and respect, sir, your most obedient humble servant,

GEO. HAMMOND.

Mr. JEFFERSON.

Act 12 Car. 2, Chap. 18, Sec. 3.

And it is further enacted by the authority aforesaid, That no goods or commodities whatsoever, of the growth, production, or manufacture of Africa, Asia, or America, or of any part thereof, which are described or laid down in the usual maps or charts of those places, be imported into England, Ireland, or Wales, islands of Guernsey and Jersey, or town of Berwick-upon-Tweed, in any other ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud, belong only to the people of England or Ireland, Dominion of Wales, or town of Berwick-upon-Tweed, or of the lands, islands, plantations, or territories in Asia, Africa, or America, to his Majesty belonging, as the proprietors and right owners thereof, and whereof the master and three-fourths at least of the mariners are English, under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, ammunition, and apparel—one moiety to his Majesty, his heirs and successors, and the other moiety to him or them who shall seize, inform, or sue for the same, in any Court of Record, by bill, information, plaint, or other action, where-in no essoine, protection, or wager of law, shall be allowed.

PHILADELPHIA, April 12, 1792.

SIR: I am this moment favored with the Letter you did me the honor of writing yesterday, covering the extract of a British statute forbidding the admission of foreign vessels into any ports of the British dominions, with goods or commodities of the growth, production, or manufacture of America. The effect of this appears to me so extensive, as to induce a doubt whether I understand rightly the determination to enforce it, which you notify, and to oblige me to ask of you whether we are to consider it as so far a revocation of the proclamation of your Government, regulating the Commerce between the two countries, and that henceforth no articles of the growth, production, or manufacture of the United States are to be received in the ports of Great Britain or Ireland, in vessels belonging to the citizens of the United States?

I have the honor to be, with sentiments of the most perfect esteem and respect, sir, your most obedient and most humble servant,

TH. JEFFERSON.

The MINISTER PLENIPOTENTIARY
of Great Britain.

PHILADELPHIA, April 12, 1792.

SIR: In answer to your Letter of this day, I have the honor of observing, that I have no other instructions upon the subject of my communication than such as are contained in the circular despatch, of which I stated the purport in my Letter dated yesterday. I have, however, no difficulty in assuring you that the result of my personal conviction is, that the determination of his Majesty's Government to enforce the clause of the Act of Navigation, (a copy of which I transmitted to you,) with respect to the importation of commodities in foreign vessels, has originated in consequence of the many frauds that have taken place in the importation of tobacco into his Majesty's dominions, in foreign vessels, and is not intended to militate against the proclamation, or order of the King in Council, regulating the commercial intercourse between Great Britain and the United States, which I have every reason to believe still exists in full force, as I have not had the most distant information of its being revoked.

I have the honor to be, with the most perfect esteem and consideration, sir, your most obedient humble servant,

GEO. HAMMOND.

Mr. JEFFERSON.

PETITION OF CATHARINE GREENE.

The SECRETARY OF THE TREASURY, to whom was referred a petition of Catharine Greene, of the 4th of March, 1790, respectfully submits the following Report thereupon:

The said petition seeks to obtain an indemnification from the United States against the effects of certain engagements which were entered into by the now deceased husband of the petitioner, the late Major General Nathaniel Greene, while commanding officer in the Southern Department; and, for the circumstances on which it is founded, refers to a representation, of the 22d of August, 1785, which was made by the said Gen. Greene to the United States in Congress assembled; a copy of which representation, marked A, is herewith submitted.

The following are the principal facts which appear in relation to this application:

1. The Department of War, in the Fall of the year 1782, authorized the said Major General Greene to obtain supplies of clothing for the troops under his command.

2. In consequence of this authority, in November or December of the same year, he entered into a contract for the supply of clothing to the Army, with John Banks, a partner in the house of Hunt'

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er, Banks, & Co., who contracted on behalf of the company; and upon account of the contract advanced him eleven hundred guineas in money, and drew bills upon the Superintendent of Finance for the residue. This transaction was duly notified to the Department of War, and received the approbation of that department.

3. The goods for completing this contract were purchased on credit by the contractors from certain British merchants then in Charleston.

4. About the same period, the Superintendent of Finance empowered General Greene to contract for the supply of all such provisions as might be wanted for the use of the Army, in the States of North and South Carolina and Georgia, with permission, if more convenient to him, to commit the execution of the business to Edward Carrington, Esq.; to whom it was accordingly committed.

5. An engagement which had been taken by the State of South Carolina, for the supply of the Army, was to expire at the end of the year 1782. It became urgent to complete a contract for the supply after that period. Advertisements for receiving proposals were published; and particular applications were made by General Greene to sundry characters of property and influence, who had been formerly men of business, to endeavor to engage them to enter into a competition for the contract. But these efforts did not produce the desired effect, owing partly to the distressed and deranged situation of the country, and partly to the then state of public credit. No offer was made, except by the same John Banks, who was the contractor for supplying the troops with clothing, acting on behalf of the same copartnership of Hunter, Banks, & Co. The terms proposed by him, being thought too disadvantageous, were not accepted in the first instance. The State of South Carolina having consented to extend its measures for supplying the Army to the 20th of February following, advantage was taken of the extension, to endeavor to procure better terms. A conclusion was delayed to give a further opportunity for other offers, and negotiations were carried on with Mr. Banks to induce him to moderate his terms. He fell somewhat in his demands; but as they still continued to be thought too high, Gen. Greene would not suffer a contract to be concluded till every possible effort to obtain more favorable terms had failed. As a last expedient for this purpose, a letter was written by the said Edward Carrington to the Speaker of the House of Representatives of South Carolina, stating the then situation of the business, and asking through him the opinion of the House, whether there was a probability of obtaining from any part of the country more advantageous terms; and whether it would be advisable, in the expectation of such an event, to keep open the contract for any longer period. It appears to have been an object of this letter, through the medium of that body, to excite, if possible, some further competition. But the end was not answered. The Speaker, in his reply, states that no competition had been excited in consequence of it, and that, though the terms proposed by Banks were thought too high, yet as no

other proposals had been made, and as the pressing necessities of the Army called for immediate relief, it was deemed needless to keep open the contract any longer, under an idea that more advantageous propositions might be made. Under these circumstances, on the 18th of the same month of February, a contract with Hunter, Banks, & Co., was concluded, and was immediately after notified to the Superintendent of Finance.

6. It is stated by General Greene, in his representation to Congress, that the company's funds were inadequate to the execution of what they had undertaken; that bills sold greatly under par, and few could be sold at any rate; that the funds of which the company were possessed were tied up by prior engagements; that the creditors insisted on further security, before they would consent to an application of those funds for the support of the Army. That he was reduced to a choice of difficulties, either to turn the Army loose upon the country, or take upon himself the risk of supporting the contractors; that he chose the latter, as the least evil, and became bound for them to their creditors for a sum of upwards of thirty thousand pounds sterling; that to render the hazard as small as possible, he made the company give an order on their agent in Philadelphia, Mr. Pettit, for all the contract money and sums due upon the clothing department, to be paid into the hands of the persons whose debts he had guaranteed, and that one of the creditors was sent forward to receive them; but that these funds were diverted into other channels.

And it appears, in proof, that public bills were, as alleged, of very difficult sale, being subject to a discount of 15 per cent. for prompt payment, (as much as 25 being sometimes demanded;) that the Army, at the time when this engagement was entered into by General Greene, was in a very critical situation; that discontents, from various causes had produced several instances of actual mutiny; that if the contractors had failed, there was no ground to count on any other resource as a substitute, and if a want of provisions had been added to other causes of dissatisfaction, there was reason to apprehend a disbanding or dissolution of the Army. That General Greene, on or about the 8th of April, 1783, did become surety for the contractors, to different persons, in very considerable sums; and it is to be inferred, as well from the fact itself, as from the evidence, that the doing of it was necessary, by quieting their creditors, to enable them to proceed in the supply of the Army.

It further appears, in proof, that Mr. Burnet, one of the company, had informed Mr. Pettit, their agent, that they had purchased a quantity of goods from British merchants in Charleston; that these goods had enabled them to undertake for the supply of the Army in clothing and provisions; and that they had stipulated with those merchants, "that the moneys arising from the contract should be appropriated to the payment of the debt contracted by that purchase." That repeated instructions, by letter, in the name of the company—sometimes in the handwriting of Banks, and sometimes of Burnet—"uniformly held up to him (Mr.

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Pettit) the idea of paying the produce of the contract to the same merchants, in proportion to their respective claims, of which they sent a list amounting to upwards of £32,000, due to three houses." That two payments, one for \$23,875, and the other for \$4,223, were made by him to the British merchants; that a Mr. Warrington, one of them, had come forward to Philadelphia to receive the money, both on his own account, and as an agent for others; but that, in consequence of subsequent arrangements and instructions, the residue of the contract money was diverted to other purposes.

7. Precautions were taken by General Greene, when he became apprised of his danger, to obtain counter security. This was actually effected to a considerable extent; but it seems now reduced to a certainty, that a loss of not less than eight thousand pounds sterling will be sustained by his estate, in consequence of the transaction, unless indemnified by the Government; and that the probable result will be the entire ruin of the estate.

8. No document appears, showing that the notice of his having become surety for the company, was ever given by General Greene to Congress, or any of the Public Departments, prior to his representations of the 22d August, 1785, claiming an indemnity in case of such eventual loss. The omission of such notice, is indeed to be inferred, from the silence of that representation on the point. The evidence of the foregoing facts is to be found in the documents herewith submitted, marked from A to Z inclusively.

Under this state of facts, it remains to be considered whether it be incumbent upon the Government of the United States to grant the indemnification to the estate of Major General Greene, which is sought by the petition.

Objections to such an indemnification might arise from three sources.

I. Want of authority from the Government to enter into the suretyship in question.

But this, it is conceived, would not be a valid objection. There certainly are numerous cases in which the commanding officer of an Army is justifiable in doing more than he has a regular authority to do, from the exigency of particular conjunctures. And where it appears that the unauthorized procedure was prudent and necessary in itself, and was warranted by motives sufficiently important and emergent, it is just and proper in the Government to ratify what has been done, and to indemnify the officer from injury on account of it. That an emergency of this kind did exist, to justify the measure which was adopted by General Greene, appears to be satisfactorily established. The keeping of the Army from disbanding, may be presumed, upon strong grounds of evidence, to have materially depended upon it. And there does not seem to have been a deficiency of precaution in guarding, as far as was practicable, against eventual loss.

II. A personal or private interest in doing what was foreign to the duties and relations of a commanding officer.

This, if it should exist, would be a decisive objection. The existence of it having been alleged,

it remains to examine what probability there is of the allegation being well founded. Its source is traced to a letter of John Banks, containing a suggestion, or conjecture, that General Greene was, or probably would be, concerned in the co-partnership of Hunter, Banks, & Co.

But this circumstance loses all force from the following considerations:

1. From a letter, which General Greene wrote to John Banks, dated the 25th of December, 1782, in which the General makes his acknowledgments to Mr. Banks, for the services he had rendered to the Army, in respect to clothing, and invites him to become a competitor for supplying it with provisions. The scope and language of this letter strongly indicate that General Greene had then no interested connexion with Mr. Banks, in relation to any of the matters which are the subjects of it. As this conclusion results rather from the general tenor of the letter than from particular expressions, its justness will best appear by an insertion of the entire letter. It is in these words:

"HEADQUARTERS, Dec. 25, 1782.

"DEAR SIR: The comfortable condition in which you have put the Army, from the large supply of blankets and clothing furnished it, claims my particular acknowledgments; for although I expect the public will make you a reasonable compensation, yet as you were the only person who had the will and the means to serve us, our obligation is equally great. I am happy to find, also, that most if not all our officers are likely to get supplies of clothing through your agency. Col. Carrington, who is appointed to make the contracts for the subsistence of the Southern Army, also informs me your house have it in contemplation to engage in this business. Great as all our other obligations are, if you contract for the supplies of the Army, this will be greater than all the rest; for the present mode, in which we are supplied, is truly distressing, both to the people and to the Army. The manner of collecting, by military parties, renders it distressing to the citizens, and from the uncertain collections, the Army is often without anything to eat. This is hard upon troops who have bled so freely for an oppressed people. I must beg you to hasten your proposals; and I flatter myself you will, from your attachment to the cause, as well as a regard for the Army, serve the public on the lowest terms.

"I am, dear sir, your most obedient servant,

"NATH. GREENE.

"Mr. JOHN BANKS."

2. From the pains taken by that officer to induce competition from other quarters; the delays which, with his participation and direction, attended an acceptance of the proposals made by Hunter, Banks, & Co., after the time for receiving proposals had expired, in order to afford a still further opportunity for other proposals, and to bring that company to more moderate terms; the reference which, in the last resort, was had to the Assembly of South Carolina, as the only remaining expedient for exciting a competition, which had in vain been sought by other means; and respecting which Colonel Carrington, in his affidavit, (document R,) expresses himself in these strong terms: "General Greene would not suffer a contract to be closed, without making every pos-

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sible effort to excite a competition, and as a last resort, a letter was written to the Assembly of South Carolina," &c.; circumstances which satisfactorily prove that General Greene had, in the first instance, no common interest with Hunter, Banks, & Co., in the contract for supplying the Army with provisions.

3. From a letter of Mr. Forsyth, one of the partners, to General Greene, December 29th, 1782, (document F,) in which he thanks General Greene for a letter of approbation of his public conduct, and expresses a hope of that countenance and aid from the General, in private life, which he had enjoyed while serving under his command; and then proceeds to mention the case of a brig, belonging to the company, which had been seized at Savannah, and asks, as a favor, a letter from the General to the Judge before whom the cause of the vessel was expected to be tried, to remove a prejudice against Mr. Banks, (as being a person inimical to the American cause,) which, it was feared, might occasion her condemnation. The style of this letter is the reverse of that of one partner writing to another, on a subject of mutual interest. It is that of a person who had received favors from a patron, asking a further favor.

4. From the counter-securities which General Greene took, in consequence of his having become surety for the company, to their creditors; one being a bond, from Banks, Patton, and Hunter, three of the partners, bearing date the 7th of May, 1783, (document M,) in which it is acknowledged, as is usual in such cases, that General Greene had no concern in the debts for which he had become bound; and the parties accordingly engage to exonerate him from those debts, or any damages which might arise from his becoming security for them: another being an assignment from Robert Forsyth, another of the partners, to General Greene, bearing date the 2d of September, 1784, (document N,) of debts due to the partnership, as a counter-security to him; in which it is stated, that General Greene, at the special instance and request of the company, had become their security to certain persons, to whom they were indebted. The latter, however, being a considerable time after the transaction, is far less conclusive than the former.

5. From the affidavits of John Banks and James Hunter, two of the partners, one dated the 3d of January, 1783, (document O,) the other 26th of September, 1785, (document P;) the first, denying explicitly all connexion of General Greene in the affairs of the company; the last, declaring that the deponent never considered General Greene as directly or indirectly interested in the purchase of the goods upon which the debts, for which he had become bound, appear to have been founded: that this purchase was on the proper account of John Banks, Robert Forsyth, Ichabod Burnet, John Ferrie, Robert Patton, and the deponent; and that he never heard nor understood, from either of the other partners, that General Greene was any way concerned or interested in that purchase. There is also a certificate from Robert Forsyth, of the 3d of March, 1785, (document Q,) declaring that

the General was not interested, either in that purchase, or in the contract for the Army.

6. From a suit in Chancery, which was brought by General Greene, and after his death prosecuted by his executors to a recovery, against John Ferrie, one of the partners of the house of Hunter, Banks, & Co.; which suit, it appears, might have been defeated by proof of interest in the partnership, on the part of General Greene; but not only no such proof was made, but it is asserted on oath, by Charles C. Pinckney, (document Y,) who was solicitor and counsel for Ferrie, and who professes to have obtained, in a professional capacity, considerable knowledge of their affairs, that Ferrie had assisted Banks in the purchase of the goods in question, had been instrumental in his obtaining credit, had kept the books of the company, and appeared to have known all the concerns of the company most intimately and minutely; that if General Greene had been concerned in the speculation, he (Ferrie) must have known it, and that, knowing it, he would have made it known. That he was under no obligation to conceal it, having been put at defiance by the suit, and could he have proved the fact, he would have been successful in his defence; but he neither produced one tittle of evidence, nor deduced a single circumstance to show, that the General had, in any manner, been concerned in the purchase. The consequence of which was, that the bill was sustained, the lands were decreed to be sold, and after defraying the expenses of the suit, and discharging the money due on a mortgage which had been given by a prior owner, the balance of the sale was directed to be paid over into the hands of the complainant, towards an indemnification of the General. This statement has peculiar force, especially as the General, by commencing the suit, exposed himself to the hazard, if any connexion of the interest had subsisted, either of being defeated, by a discovery of that connexion, on oath, upon a cross bill, or of perjury, in the concealment and denial of it.

7. From a certificate (document X,) of the two Chancellors of South Carolina, which, after stating the insinuations that had been made of General Greene's connexion with Hunter, Banks, & Co., proceeds thus:

"We think ourselves authorized to say, that we are as competent to his vindication, from any aspersion of that nature, as any two persons in the State of South Carolina, as we were both in the Executive Department at the time of the evacuation of this capital—the one, Governor, and the other Lieutenant Governor—and a suit in Chancery has since been brought to issue before us as Chancellors, in the prosecution of which, the several grounds, principles, and obligations of the various connexions or copartnerships, by whom the respective speculations alluded to were entered into, were very fully, ably, and minutely discussed, by some of the most eminent solicitors in the Court. And we have no hesitation, in the most invariable, unreserved, and unequivocal manner, to declare, that we never had, from our own observation, or from the strictest and most scrutinizing investigation on the Chancery bench, the most distant reason to conceive, that the Honorable General Greene was ever, either directly or indirectly, engaged in any of the aforesaid speculations, any further

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than as surety for Mr. Banks. We think ourselves warranted also in asserting, that the contract with Mr. Banks, for the supply of the Army, was the most advantageous he could obtain, at a time when the want of provisions threatened a mutiny.

“JOHN MATHEWS,
“RICHARD HUTSON.

“CHARLESTON, October 30, 1790.”

8. From the concurrent opinions of other respectable characters, who had the best opportunities of judging of circumstances, that General Greene was totally unconnected in interest with that company. On this point, the documents S, T, U, V, W, Z, are interesting; that marked V, states several particulars as argumentative of the opinion expressed, which merit particular attention.

From the foregoing circumstances combined, there is conceived to be conclusive evidence that General Greene was not interested, either in the purchase of the goods, which had created the debts afterwards guaranteed by him, nor in either of the contracts for clothing or provisions; was not a partner in the house of Hunter, Banks, & Co., nor had any concern whatever in the affairs of that company further than as surety.

There is nothing to oppose these conclusions, but the suggestion in Banks's letter, and the fact of the suretyship. The former is obviated by the contradiction, on oath, of the party himself; and the circumstances of this contradiction, as represented by General Wayne and Colonel Carrington, in their affidavits, (documents T and S,) give it every possible appearance of genuineness. A question naturally arises, What could have been the inducement to the suggestion made by Banks? This is answered by Colonel Carrington, who represents him as a man of “excessive vanity, much disposed to make a show of connexions with high characters.” It is also possible that he may have expected to derive advantage from the reputation of such a connexion. The observation, moreover, is of great force, that if General Greene had been a secret partner, unknown to the partners in general, Banks's character precludes the supposition that he would have been the selected depository of the secret.

The fact of the suretyship is accounted for, by the necessity of the measure, as it related to the situation of the Army; and relying on the appropriation of the funds, which should arise out of the contracts with the public, to the payment of the persons to whom he had become bound, it was natural that he should have considered the risk as not very great.

This full statement of the circumstances, which are conceived to exculpate General Greene from the imputation of being concerned in the transaction, has appeared not only essential to placing the merits of the subject properly before the House, but a debt due to the memory of an officer who had rendered essential service to his country; and of a man who, by a life of probity, had secured to himself the strongest of all titles to a candid construction of his conduct.

It remains to advert to the third source of objection which had been intimated, as capable of

bringing into question the propriety of an indemnification—namely, the omission of notice to the Government, at or about the time of the transaction, that the suretyship in question had been entered into.

Here, in the judgment of the Secretary, lies the only difficulty which attends the question of indemnification.

It appears to have been incumbent upon General Greene, if he meant to look to the Government for indemnification, in case of eventual loss, to have given early notice of the step he had taken. In proportion as that step was unauthorized or unusual, the necessity for the communication was increased. It seems to be a matter of obvious propriety, that a public officer, who expects the sanction of the Government to an unauthorized proceeding—especially an indemnification against pecuniary loss, on account of it—ought to embrace the first convenient opportunity to make known the object for which such sanction and indemnification are desired. And the motives on the part of the Government to require a due observance of that precaution, are of great force in regard to the security of the public. It is necessary, to enable the Government to investigate the circumstances, at the time, when the truth can best be discovered, and unfounded pretensions best be detected. And where an indemnification against pecuniary loss is expected, a prompt disclosure is necessary to put the Government in a condition to take care of its own interests, in the manner which shall appear to itself most efficacious.

It is, indeed, to be observed, that General Greene was naturally led to imagine that all hazard in the affair was obviated by the measures which had been taken to secure, as he supposed, an application of the moneys to be received from the public, on account of the contract, to the payment of the debts for which he had become surety, and therefore omitted a communication to the Government, as not necessary to his safety.

But whether this, which appears to be a satisfactory explanation of the motive for the omission, which did take place, be also a sufficient ground for dispensing with the observance of a precaution which, as a general rule, would be proper to be made a condition of indemnification; or how far the peculiar merit of the officer, or the peculiar hardship and misfortune of the case, may render advisable a deviation from that rule, are points which the Secretary begs leave to submit, without observation, to the contemplation of Legislative discretion.

If a direct indemnification should be conceived inadmissible, as a public precedent, a question would still present itself, whether, under all the circumstances of the case, the family of Gen. Greene ought to be left to the ruinous consequences of an act, which was dictated by a well-advised zeal for the public service, because he omitted a precaution which the rules of public policy may require to have been observed.

The Secretary is not certain, whether an opinion on this point be within the province assigned him by the reference, which is the subject of this Re-

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port, and he therefore forbears an explicit sentiment. He hopes, however, to be thought justified by the occasion, when he permits himself to observe, that strong and extraordinary motives of national gratitude for the very signal and very important services rendered by General Greene to his country, must serve to give a keener sting to the regret which ought ever to attend the necessity of a strict adherence to maxims of public policy, in opposition to claims founded on useful acts of zeal for the public service, if no means of protecting from indigence and penury the family of that most meritorious officer shall, upon examination, be found admissible.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

To the Honorable the Senate and the Honorable the House of Representatives of the United States, in Congress assembled; the petition of Catharine Greene, relict of the late General Greene, humbly sheweth:

That the object on which her petition is founded is generally stated in the representation hereunto annexed, made by her late husband to the United States in Congress assembled, on the 22d day of August, 1785.

That it will appear, by the said representation, that it was the intention of her late husband to have ascertained the loss on the transaction therein stated, previously to his making application to the United States for indemnification; and in pursuit of this intention, he instituted suits for the recovery of the bonds and mortgages by him received from Messrs. Banks and Company, as collateral securities; but his designs in this and all other earthly respects were frustrated by his untimely death.

That the suits for the recovery of the said bonds and other collateral securities have been protracted by the death of the debtors, and various other circumstances entirely without the control of your petitioner.

That while the recovery of the said bonds and other collateral securities are placed at a future distant period, and their amount uncertain, not only the estates conferred on her late husband, by the munificent gratitude of the States of South Carolina and Georgia, but his paternal estate, will be legally wrested from your petitioner and her children, in order to satisfy those obligations which her late husband was constrained to enter into for the public service; whereby your petitioner, and her helpless children, will be exposed to all the bitter effects of poverty.

That your petitioner thus brings forward her situation, and that of her children, with the firmest hope and expectation that the United States will, after a full examination into the transaction stated in her late husband's representation, grant her effectual relief, by assuming the payment of the said obligations entered into for the benefit of the United States; or in such other manner, save her and her children's estate from impending ruin,

as in the judgment of Congress shall appear meet and proper.

And your petitioner, as in duty bound, shall continue to pray.

CATHARINE GREENE.

NEW YORK, March 4, 1790.

[The documents, referred to in the Report, are omitted.]

THE PUBLIC DEBT.

[Communicated to the House of Representatives, December 8, 1792.

TREASURY DEPARTMENT,
November 30, 1792.

SIR: I have the honor to transmit herewith a Report, pursuant to two resolutions of the House Representatives, one of the 21st instant, respecting the redemption of the Public Debt; the other of the 22d instant, respecting the reimbursement of the Loan made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated; and to be, with the most perfect respect, sir, your most obedient, and most humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

The Honorable the SPEAKER,
of the House of Representatives.

In obedience to two resolutions of the House of Representatives, one of the 21st instant, directing the SECRETARY OF THE TREASURY to Report a plan for the redemption of so much of the Public Debt, as by the act, entitled "An act making provision for the Debt of the United States," the United States have reserved the right to redeem; the other, of the 22d instant, directing him to Report the plan of a provision for the reimbursement of the Loan made of the Bank of the United States, pursuant to the eleventh section of the act, entitled "An act to incorporate the subscribers to the Bank of the United States:"—the said SECRETARY respectfully submits the following Report:

The expediency of taking measures for the regular redemption of the Public Debt, according to the right which has been reserved to the Government, being wisely predetermined, by the resolution of the House of Representatives referring the subject to the Secretary, nothing remains for him, but to endeavor to select and submit the most eligible means of providing for the execution of that important object.

With this view, the first inquiry which naturally presents itself, is, whether the existing revenues are, or are not, adequate to the purpose?

The estimates which accompany the Report of the Secretary of the 14th instant,* will show that, during the continuance of the present Indian war, the appropriations for interest and the demands for the current service are likely to exhaust the

*This Report will be found in subsequent pages.

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product of the existing revenues; though they afford a valuable surplus beyond the permanent objects of expenditure, which, it is hoped, may ere long be advantageously applied to accelerate the extinguishment of the Debt.

In the mean time, however, and until the restoration of peace, the employment of that resource, in this way, must of necessity be suspended; and either the business of redemption must be deferred, or recourse must be had to other expedients.

But did no such temporary necessity, for resorting to other expedients, exist, the doing of it would still be recommended by weighty considerations. It would appear, in the abstract, advisable, to leave the surplus of the present revenues free, to be applied to such casual exigencies as may from time to time occur, to occasional purchases of the Debt when not exhausted by such exigencies, to the payment of interest on any balances, which may be found due to particular States, upon the general settlement of accounts, and finally to the payment of interest on the deferred part of the Debt, when the period for such payment arrives. There is a reasonable prospect, that if not diverted it will be found adequate to the two last important purposes.

Relinquishing then the idea of an immediate application of the present revenues to the object in view, it remains to examine what other modes are in the option of the Legislature.

Loans, from time to time, equal to the sums annually redeemable, and bottomed on the same revenues, which are now appropriated to pay the interest upon those sums, offer themselves as one expedient, which may be employed with a degree of advantage. As there is a probability of borrowing at a lower rate of interest, a material saving would result; and even this resource, if none better could be devised, ought not to be neglected.

But it is obvious, that to rely upon this resource alone would be to do little towards the final exoneration of the nation. To stop at that point would consequently be neither provident nor satisfactory. The interests as well as the expectations of the Union require something more effectual.

The establishment of additional revenues is the remaining resource. This, if the business is to be undertaken in earnest, is unavoidable. And a full confidence may reasonably be entertained, that the community will see with satisfaction the employment of these means, which alone can be effectual, for accomplishing an end, in itself so important, and so much an object of general desire. It cannot fail to be universally felt, that if the end is to be attained, the necessary means must be employed.

It can only be expected that care be taken to choose such as are liable to fewest objections, and that in the modifications of the business in other respects, due regard be had to the present and progressive circumstances of the country.

Assuming it as the basis of a plan of redemption, that additional revenues are to be provided, the further inquiry divides itself into the following branches:

I. Shall a revenue be immediately constituted,

equal to the full sum which may at present be redeemed, according to the terms of the contract?

II. Shall a revenue be constituted from year to year, equal only to the interest of the sum to be redeemed in each year, coupling with this operation an annual Loan, commensurate with such sum? or,

III. Shall a revenue be constituted each year so much exceeding the interest of the sum to be redeemed, as to be sufficient, within a short definite term of time, to discharge the principal itself; coupling with this operation also, an annual Loan, equal to the sum to be annually redeemed, and appropriating the revenue created to its discharge, within the term which shall have been pre-determined?

The first plan, besides being completely effectual, would be eventually most economical; but considering to what a magnitude the revenues of the United States have grown in a short period, it is not easy to pronounce how far the faculty of paying might not be strained by any sudden considerable augmentation, wheresoever immediately placed; while the rapid progress of the country in population and resource seems to afford a moral certainty, that the necessary augmentation may be made with convenience, by successive steps, within a moderate term of time; and invites to temporary and partial suspensions, as capable of conciliating the reasonable accommodation of the community with the vigorous prosecution of the main design. For these and for other reasons which will readily occur, the course of providing immediately the entire sum to be redeemed, is conceived not to be the most eligible.

The second plan, though much more efficacious than that of annual Loans bottomed on the revenues now appropriated for the payment of interest on the sums to be redeemed, does not appear to be sufficiently efficacious. The schedule A will show the effect of it to the 1st of January, 1802, when the Deferred Debt will become redeemable in the proportions stipulated. Supposing the investment of the interest which is each year liberated, together with that which has been, and will be released by purchases, pursuant to provisions heretofore made, in the purchase of six per cent. stock; a sum of principal equal to \$2,043,837 07 would be sunk, and a clear annuity, equal to \$459,212 82 would be created, toward further redemptions; but the fund then necessary for the future progressive redemption of the Debt, according to the right reserved, would be \$1,126,616 44, exceeding by \$667,403 62, the amount of the redeeming fund. Something more effectual than this is certainly desirable, and appears to be practicable.

The last of the three plans best accords with the most accurate view, which the Secretary has been able to take of the public interest.

In its application, it is of material consequence to endeavor to accomplish these two points:

1st. The complete discharge of the sums annually redeemable, within the period prefixed, and the reimbursement, within the same period, of all auxiliary Loans, which may have been made for that purpose.

The Public Debt.

2d. The constituting, by the expiration of that period, a clear annual fund competent to the future redemption of the Debt, to the extent of the right reserved.

The period, to which it is conceived the plan ought to refer, that is, January 1st, 1802; because then the first payment, on account of the principal of the Deferred Debt, may rightfully be made.

In conformity to these ideas, the following plan is most respectfully submitted; premising, that the sum redeemable for the first year of the six per cent. stock, bearing a present interest, is computed at \$550,000.

Let an annual fund be constituted during the present session, equal to \$103,199 06, and to begin to accrue from the 1st of January, 1793. Let the sum of \$550,000 be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1799. The sum borrowed to be applied, on 1st of January, 1794, to the first payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed with interest, by the 1st of January, 1799, and will thenceforth, be free for any further application.

The sum redeemable the second year, that is, January 1, 1795, is computed at \$583,000.

Let an annual fund be constituted, during the second session after the present, equal to \$109,391 60, to begin to accrue from the 1st of January, 1794. Let the sum of \$583,000 be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1800. The sum borrowed to be applied, on the 1st of January, 1795, to the second payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1800, and will be thenceforth free for any further application.

The sum redeemable the third year, that is, January 1, 1796, is computed at \$617,980.

Let an annual fund be constituted, during the third session after the present, equal to \$115,955 17, to begin to accrue from the 1st of January, 1795. Let the sum of \$617,980 be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1801. The sum borrowed to be applied, on the 1st of January, 1796, to the third payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802.

The sum redeemable the fourth year, that is, January 1st, 1797, is computed at \$655,058 80.

Let an annual fund be constituted, during the fourth session after the present, equal to \$122,912 48, to begin to accrue from the 1st of January, 1796. Let the sum of \$655,058 80, be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1797, to the fourth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802.

The sum redeemable the fifth year, that is, January 1st, 1798, is computed at \$694,362 33.

Let an annual fund be constituted, during the fifth session after the present, equal to \$152,743 12, to begin to accrue from the 1st of January, 1797. Let the sum of \$694,362 33, be borrowed upon the credit of this annuity, reimbursable within four years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1798, to the fifth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802.

The sum redeemable the sixth year, that is, January 1st, 1799, is computed at \$736,024 07.

Let an annual fund be constituted, during the sixth session after the present, equal to \$197,680 20, to begin to accrue from the 1st of January, 1798. Let the sum of \$736,024 07, be borrowed upon the credit of this annuity, reimbursable within three years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1799, to the sixth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802.

The sum redeemable the seventh year, that is, January 1st, 1800, is computed at \$780,185 52.

Let an annual fund be constituted, during the seventh session after the present, equal to \$272,848 38, to begin to accrue from the 1st of January, 1799. Let the sum of \$780,185 52, be borrowed upon the credit of this annuity, reimbursable within two years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1800, to the seventh payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802.

The sum redeemable the eighth year, that is, on the 1st of January, 1801, is computed at \$826,996 65.

Let an annual fund be constituted, during the eighth session after the present, equal to \$423,583 64, to begin to accrue from the 1st of January, 1800. Let the sum of \$826,996 65, be borrowed upon the credit of this annuity, reimbursable within one year, that is, on the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1801, to the eighth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, on the 1st of January, 1802.

The sum redeemable the ninth year, that is, on the 1st of January, 1802, is computed at \$1,126,616 44.

The then existing means for the discharge of this sum, arising from the operation of the plan, will be—

1st. The amount of the annuity constituted the third year, which will have been liberated by reimbursement of the the third Loan.

2d. The arrears of interest not previously appropriated, and which are computed at \$200,000.

There will consequently be a deficiency this year of \$610,661 27, which will require to be sup-

The Public Debt.

plied by a temporary Loan, to be reimbursed out of the surplus of the fund which, on the 1st of January, 1802, will exist for future redemptions, and which surplus will be sufficient to reimburse this temporary Loan in about thirteen years and a half.

It may be proper to remark, that this deficiency upon one year is suffered to exist, to avoid an unnecessary augmentation of revenue, materially beyond the sum permanently requisite. No inconvenience ensues, because this temporary deficiency is made up by the surplus of the permanent fund, within the period mentioned. And that fund, from the 1st of January, 1802, is adequate to all future redemptions, in the full proportion permitted by the contract.

The table in the schedule B, herewith submitted, will show in one view, the principles and operation of this plan.

The schedule C, will exhibit the means of constituting the several annuities proposed to be established. From it, will be seen, that the proposed annuities are to be composed partly of taxes to be successively laid, at the respective periods of creating them, partly of the surplus dividend to be expected on the stock belonging to the Government, in the Bank of the United States, beyond the interest to be paid on account of it, and partly of the funds heretofore pledged for the payment of interest, which will have been liberated upon so much of the Debt as will have been extinguished.

The respective amounts of the taxes to be severally laid, will be—

In the 1st year,	- - -	\$ 43,199 06
In the 2d year,	- - -	109,391 60
In the 3d year,	- - -	115,955 17
In the 4th year,	- - -	102,912 48
In the 5th year,	- - -	102,743 12
In the 6th year,	- - -	107,680 20
In the 7th year,	- - -	109,649 32

Making together, - - - \$691,530 95

The sum which will have been redeemed prior to the 1st day of January, 1802, will be \$5,443,607 37. The sum redeemable on the 1st of January, 1802, will be \$1,126,616 44; and the fund, which will thenceforth exist for the purpose of future redemption, as is particularly shown by the schedule D, will be \$1,210,744 34; exceeding the sum strictly necessary by \$84,127 90; a fund, which including the interest from year to year liberated, will, as already intimated, be completely adequate to the final redemption of the whole amount of six per cent. stock, as well the deferred as that bearing a present interest, according to the right which has been reserved for that purpose.

In the meantime, a further impression will be made upon the Debt by the investment of the residue of the funds, heretofore established, in the purchase of it; and it is hoped that the restoration of peace with the Indians will enable the application of the surplus of the existing revenues, together with the proceeds of the ceded lands in our Western Territory, to the same object. These, whenever they can be brought into action, will be

important aids, materially accelerating the ultimate redemption of the entire Debt. The employment of these resources, when it can be done, by increasing the interest fund, will proportionably lessen the necessity of using the resource of taxation for creating the proposed annuities, if the Government shall judge it advisable to avail itself of the substitute which may accrue from that circumstance.

Having now given a general view of the plan, which has appeared upon the whole the most eligible, it is necessary in the next place to present to the consideration of the House the requisite funds for commencing the execution of it. These will embrace a provision for the first annuity only; that alone requiring, by the plan, immediate provision. With regard to a provision for the subsequent annuities, which is proposed to be successive, the Secretary will content himself with this general observation, that he discerns no intrinsic difficulty in making provision for them, as fast as shall be necessary, with due convenience to the people, and consistently with the idea of abstaining from taxing lands and buildings, (with the stock and implements of farms,) reserving them as a resource for those great emergencies, which call for a full exertion of all the contributive faculties of a country.

The following means for constituting the first annuity, are respectfully submitted, viz:

Annual surplus of the dividend on the stock of Government in the Bank of the United States, beyond the interest to be paid out of the said dividend, estimated at \$60,000.

Tax on horses, kept or used for the purpose of riding, or of drawing any coach, chariot, phaeton, chaise, chair, sulkey, or other carriage, for conveyance of persons; excepting and exempting all horses which are usually and chiefly employed for the purposes of husbandry, or in drawing wagons, wains, drays, carts, or other carriages, for the transportation of produce, goods, merchandise, and commodities, or in carrying burdens, in the course of the trade or occupation of the persons to whom they respectively belong, and the horses of persons in the military service of the United States, viz:

For every horse, not above excepted and exempted, at the rate of one dollar per annum, where only one is used or kept by the same person; with an addition of fifty cents per annum per horse, where more than one and not more than two horses are kept or used by the same person; with an addition of one dollar per annum per horse where more than two, and not more than four are kept or used by the same person; and with an addition of one dollar and a half per horse, per annum, where more than four are kept or used by the same person: *Provided*, That this addition shall not be made in respect to horses usually employed in public stages, for the conveyance of passengers.

This progressive increase of rates on the higher numbers, has reference to the presumption of greater wealth, which arises from the possession of such higher numbers.

The product of this tax will probably be about

The Public Debt.

equal to the residue of the proposed annuity, which is \$43,199 06. How near the truth this estimate may prove, experiment alone can, in so untried a case, decide. An aid to this fund may be derived from the surplus dividend on the Bank stock, for the half year ending the last of December next, which it is presumed will be not less than twenty thousand dollars. Should a deficiency appear upon trial, it can be supplied by a future provision.

Proper regulations for the collection of this tax will, it is believed, be found not difficult, if the tax itself shall be deemed eligible. Its simplicity has been a considerable recommendation of it. Qualified as it is, it is not likely to fall on any but such who can afford to pay it. The exemption from the tax, in regard to horses which are appropriated to the purposes of husbandry, or of any trade or occupation, or to the transportation of commodities, seems to obviate all reasonable objection.

If, however, there should appear to the Legislature, reasons for preferring a tax on carriages for pleasure—which, it may be observed, will operate on nearly the same description of persons—the sum required may, it is believed, be produced from the following arrangement of rates, viz:

Upon every coach, the annual sum of four dollars; upon every chariot, the annual sum of three dollars; upon every other carriage for the conveyance of persons, having four wheels, the annual sum of two dollars; and upon every chair, sulkey, or other carriage, for the conveyance of persons, having less than four wheels, the annual sum of one dollar.

The collection of this tax will be as simple and easy, and perhaps more certain, than that which has been primarily submitted.

With regard to the second object referred to the Secretary, namely, the plan of a provision for the reimbursement of the Loan made of the Bank of the United States, pursuant to the eleventh

section of the act by which it is incorporated, the following is respectfully submitted, to wit: That power be given by law to borrow the sum due, to be applied to that reimbursement: and that so much of the dividend on the stock of the Government in the Bank as may be necessary, be appropriated for paying the interest of the sum to be borrowed.

From this operation, it is obvious that a saving to the Government will result, equal to the difference between the interest which will be payable on the new Loan and that which is payable on the sum now due to the Bank. If the proposed Loan can be effected at the rate of those last made in Holland, the nett saving to the Government may be computed at the annual sum of \$35,000; which saving, whatever it may be, is contemplated as part of the means for constituting the proposed annuities.

The benefit of this arrangement will be accelerated, if provision be made for the application of the proceeds of any Loans heretofore obtained, to the payment suggested, on the condition of replacing the sums which may be so applied out of the proceeds of the Loan or Loans which shall be made pursuant to the power above proposed to be given.

It will also conduce to the general end in view, if the Legislature shall think proper, to authorize the investment of the funds destined for the purchases of the Debt, in purchases of six per cent. stock, at the market price, though above par. The comparative prices of the several kinds of stock have been, and frequently may be, such as to render it more profitable to make investments in the six per cents. than in any other species of stock.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

TREASURY DEPARTMENT, Nov. 30, 1792.

A.

Table showing the effect of a sum annually created, equal to the interest of the sum to be redeemed within each year, for a period of nine years, commencing from the 1st of January, 1793, on the supposition that the interest on the sum annually redeemed be invested as it is liberated in the purchase of six per cent. stock, at the price of twenty-two shillings on the pound.

Periods of redemption.	Sums annually redeemable.	Interest annually liberated.	Sums annually purchased.
January 1, 1794	\$550,000 00	\$33,000 00	\$291,172 04
Do 1795	583,000 00	34,980 00	262,523 05
Do 1796	617,980 00	37,078 80	231,916 56
Do 1797	655,058 80	39,303 52	199,233 86
Do 1798	694,362 33	41,661 73	164,349 20
Do 1799	736,024 07	44,161 44	127,129 15
Do 1800	780,185 52	46,811 13	87,432 33
Do 1801	826,996 65	49,619 79	45,108 90
Do 1802	1,126,616 44	67,596 41	61,451 28
Interest on Debt paid in and purchased	-	65,000 00	572,520 70
		\$459,212 82	\$2,043,837 07

The Public Debt.

B.

Table exhibiting a view of the proposed plan of redemption.

Periods of redemption or payment.	Sums redeemable.	Temporary loans.		Amount of sums borrowed, with compound interest to the respective periods of reimbursement.	Years when annuities begin to accrue.	Years' annuities.	Annuities.
		Times of reimbursement.	Years duration.				
January 1, 1794 - -	\$550,000 00	Jan. 1, 1799	5	\$701,954 00	1793	6	\$103,199 06
Do 1795 - - -	583,000 00	Do 1800	5	744,071 24	1794	6	109,391 60
Do 1796 - - -	617,980 00	Do 1801	5	788,715 51	1795	6	115,955 17
Do 1797 - - -	655,058 80	Do 1802	5	836,038 44	1796	6	122,912 48
Do 1798 - - -	694,362 33	Do 1802	4	843,997 41	1797	5	152,743 12
Do 1799 - - -	736,024 07	Do 1802	3	852,021 46	1798	4	197,680 20
Do 1800 - - -	780,185 52	Do 1802	2	860,154 53	1799	3	272,848 38
Do 1801 - - -	826,996 65	Do 1802	1	868,346 48	1800	2	423,583 64
Do 1802 - - -	1,126,616 44						
Total sum redeemed by 1st January, 1802 -	\$6,570,223 81						

TREASURY DEPARTMENT, November 30, 1792.

ALEXANDER HAMILTON.

N. B. All the calculations in this table proceed upon a rate of five per cent. interest.

C.

Mode of constituting the proposed annuities.

1793. Surplus dividend of Bank stock beyond the interest which will be payable estimated at	- - - - -	\$60,000 00	
Tax - - - - -	- - - - -	43,199 06	
			\$103,199 06
1794. Tax - - - - -	- - - - -	-	109,391 60
1795. Tax - - - - -	- - - - -	-	115,955 17
1796. Part of annual interest converted into annuity	- - - - -	20,000 00	
Tax - - - - -	- - - - -	102,912 48	
			122,912 48
1797. Part of annual interest converted into annuity	- - - - -	50,000 00	
Tax - - - - -	- - - - -	102,743 12	
			152,743 12
1798. Part of annual interest converted into annuity	- - - - -	90,000 00	
Tax - - - - -	- - - - -	107,680 20	
			197,680 20
1799. Part of annual interest converted into annuity	- - - - -	60,000 00	
Annuity of the first year now liberated by reimbursement of first Loan	- - - - -	103,199 06	
Tax - - - - -	- - - - -	109,649 32	
			272,848 38
1800. Part of annual interest converted into annuity	- - - - -	220,000 00	
Annuity of second year now liberated by reimbursement of second Loan	- - - - -	109,391 60	
Part of arrears of interest to be applied for balance of annuity of this year	- - - - -	94,192 04	
			423,583 64

Loans.

But a supplementary provision will be to be made for the second year, equal to the sum of \$94,192 04, as the fund in that particular is not annual. This may also arise from the arrears of interest.

The payment to be made on the 1st of January, 1802, may proceed from the following funds:

Amount of annuity of third year liberated by reimbursement of third Loan	-	-	-	-	-	-	115,955 17
Unappropriated arrears of interest	-	-	-	-	-	-	200,000 00
Temporary Loan	-	-	-	-	-	-	810,661 27
							1,126,616 44

TREASURY DEPARTMENT, November 30, 1792.

ALEXANDER HAMILTON.

D.

View of redeeming fund to and upon the 1st January, 1802.

Interest which will have been liberated by purchases and payments into the Treasury, exclusive of redemptions according to the proposed plan	-	-	-	-	-	-	\$65,000 00
January 1, 1794, by redemption of \$550,000 00, rate six per cent.	-	-	-	-	-	-	33,000 00
Do 1795 do 583,000 00 do	-	-	-	-	-	-	34,980 00
Do 1796 do 617,980 00 do	-	-	-	-	-	-	37,078 80
Do 1797 do 655,058 80 do	-	-	-	-	-	-	39,303 52
Do 1798 do 694,362 33 do	-	-	-	-	-	-	41,961 73
Do 1799 do 736,024 07 do	-	-	-	-	-	-	44,161 44
Do 1800 do 780,185 52 do	-	-	-	-	-	-	46,611 13
Do 1801 do 826,996 65 do	-	-	-	-	-	-	49,619 79
Do 1802 do 1,126,616 44 do	-	-	-	-	-	-	67,566 98
Total	-	-	-	-	-	-	\$450,213 139
Taxes which will have been laid—							
1793	-	-	-	-	-	-	\$43,199 06
1794	-	-	-	-	-	-	109,991 60
1795	-	-	-	-	-	-	115,955 17
1796	-	-	-	-	-	-	102,912 46
1797	-	-	-	-	-	-	102,743 12
1798	-	-	-	-	-	-	107,680 20
1799	-	-	-	-	-	-	109,649 32
							691,530 95
Surplus dividend of Bank stock beyond the interest which will be payable out of it	-	-	-	-	-	-	60,000 00
Total	-	-	-	-	-	-	\$1,210,744 34

AMOUNT OF INTEREST CONVERTED INTO ANNUITIES.

1796	-	-	-	-	-	-	\$20,000 00
1797	-	-	-	-	-	-	50,000 00
1798	-	-	-	-	-	-	90,000 00
1800	-	-	-	-	-	-	220,000 00
Annual sum at the end of 1800	-	-	-	-	-	-	\$380,000 00

TREASURY DEPARTMENT, November 30, 1792.

ALEXANDER HAMILTON.

[Communicated to the House of Representatives, January 4, 1793.]

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Monday, December 24, 1792.

Resolved, That the Secretary of the Treasury be directed to lay before this House an account of the application of the moneys borrowed in Antwerp and Amsterdam for the United States within the present year.

Thursday, December 27.

Resolved, That the President of the United States be requested to cause this House to be furnished with a particular account of the several sums borrowed under his authority by the United

Loans.

States; the terms on which each Loan has been obtained; the applications to which any of the moneys have been made, agreeably to appropriations; and the balances, if any, which remain unapplied. In this statement, it is requested that it may be specified at what times interest commenced on the several sums obtained, and at what times it was stopped, by the several payments made.

TREASURY DEPARTMENT, *January 3, 1793.*

SIR: In obedience to an order of the President of the United States, I have the honor to transmit sundry statements, Nos. I, II, III, IV, respecting the several Foreign Loans which have been made under his authority, by the United States, showing, in conformity to the resolution of the House of Representatives of the 27th of December, as far as the materials in the possession of the Treasury will now permit, the several particulars specified in that resolution. These statements will equally fulfil the object of the resolution of the House of the 24th of December.

With perfect respect, I have the honor to be, sir, your most obedient and humble servant,
ALEXANDER HAMILTON.

The Hon. the SPEAKER of the House of Representatives.

No. 1.

Statement of the several sums which have been borrowed for the use of the United States, by virtue of the acts of the 4th and 12th of August, 1790, showing the particular application of the moneys to the 1st of January, 1793, inclusively, and the balance remaining unapplied.

LOANS, (a.)	<i>Florins. st. p.</i>
First Loan, made at Amsterdam, commencing on the 1st of February, 1790, at 5 per cent. interest, and 4½ per cent. charges	3,000,000 00 0
Second Loan, made at Amsterdam, commencing on the 1st of March, 1791, at 5 per cent. interest, and 4 per cent. charges	2,500,000 00 0
Third Loan, made at Amsterdam, commencing on the 1st of September, 1791, at 5 per cent. interest, and 4 per cent. charges	6,000,000 00 0
Fourth Loan, made at Antwerp, commencing on the 1st of December, 1791, at 4½ per cent. interest, and 4 per cent. charges	2,050,000 00 0
Fifth Loan, made at Amsterdam, commencing on the 1st of January, 1792, at 4 per cent. interest, and 5½ per cent. charges	3,000,000 00 0
Sixth Loan, made at Amsterdam, commencing on the 1st of June, 1792, at 4 per cent. interest, and 5 per cent. charges	3,000,000 00 0
	19,550,000 00 0

Charges upon the Loans.

On 3,000,000 florins,	-	-	at 4½ per cent.	-	-	135,000 00 0
2,500,000 do	-	-	at 4 do	-	-	100,000 00 0
6,000,000 do	-	-	at 4 do	-	-	240,000 00 0
2,050,000 do	-	-	at 4 do	-	-	82,000 00 0
3,000,000 do	-	-	at 5½ do	-	-	165,000 00 0
3,000,000 do	-	-	at 5 do	-	-	150,000 00 0

872,000 00 0

Nett amount of the Loans

18,678,000 00 0

Payments made to France, (b.)

		<i>Livres tournois. s. d.</i>	<i>Florins. st. p.</i>
1790.	Dec. 3,	Remittance from Amsterdam,	3,611,950 00 0 1,500,014 09 0
1791.	June 10,	do do	2,696,629 04 0 1,005,000 00 0
	Aug. 11,	do do	941,176 09 0 352,187 10 0
	Sept. 12,	do do	642,896 09 9 238,233 06 0
	15,	do do	1,080,874 12 6 400,531 12 0
	22,	do do	1,457,734 15 4 539,414 10 0
	22,	do do	907,280 15 2 335,726 14 0
	29,	do do	616,212 14 7 229,500 15 0
	Oct. 3,	do do	220,680 10 0 81,957 10 0
	6,	do do	806,420 03 3 300,951 09 0
	13,	do do	1,139,053 14 1 429,550 16 0
	20,	do do	811,154 02 8 302,291 04 0
	24,	do do	487,692 02 8 180,608 13 0
	Nov. 10,	do do	1,540,909 02 0 587,825 00 0
	Dec. 10,	do from Antwerp,	5,367,272 14 6 1,968,000 00 0
1792.	Aug. 9,	do from Amsterdam	6,000,000 00 0 1,641,250 00 0
			28,327,937 09 6 10,073,043 08 0

*Loans.**Charges on the remittances to France.*

Brokerage on 10,073,043 florins, 8 stivers, at 1 per mille	-	-	10,073 01 0
			<u>10,083,116 09 0</u>

Payments on account of other Foreign Loans made and to be made, to the 1st of January, 1793, inclusively.

1791. February 1	-	-	-	289,783 06 0
June 1	-	-	-	350,000 00 0
1792. February 1	-	-	-	230,000 00 0
March 1	-	-	-	119,879 04 0
June 1	-	-	-	350,000 00 0
September 1	-	-	-	294,566 13 0
December 1	-	-	-	92,250 00 0
1793. January 1	-	-	-	106,709 19 8

1,833,189 02 8

From which deduct so much remitted to the Commissioners from the Treasury, pursuant to special appropriations by the acts, entitled "An act making appropriations for the support of Government for the year 1790," and "An act making certain appropriations therein mentioned" - - - - -

- 100,000 00 0

1,733,189 02 8

Commission on the payment of 1,917,250 florins, interest at 1 per cent.	-	-	-	19,172 10 0
For postage and advertising	-	-	-	613 08 8
For interest on the Debt due to certain foreign officers, payable in Paris, (c)	-	-	-	105,000 00 0
Reimbursement of the Spanish Debt, estimated at (d)	-	-	-	680,000 00 0
Bills drawn upon the Commissioners in Amsterdam, by the Treasurer (e)	-	-	-	5,649,621 02 8

18,270,712 12 8

Leaving a balance in the hands of the Commissioners, of florins -

407,287 07 8

REMARKS.

(a.) The dates here mentioned are those for commencing payments on account of the respective Loans. The usage is to allow a certain time to the subscribers (ordinarily from three to six months) to pay in the sums subscribed, the sums paid in in each month bearing interest from the beginning of the month. The schedule No. 2 shows the monthly periods of actual payment. The first of these Loans was set on foot by our bankers in Holland, without previous authority, for reasons of weight, respecting the interests and credit of the United States. A due regard to the motives and considerations relative to the yet unascertained effect of our financial arrangements in their first stages, led to an acceptance of that Loan on account of the Government. The fourth of these Loans was originally contracted for 3,000,000 of florins, but 950,000 florins were afterwards suppressed, in consequence of its being found that money had become obtainable at a lower rate of interest.

(b.) The conversion of florins into livres, in each case, is regulated by the actual market rate of exchange at the time of payment. It is, however, understood that there is to be a re-liquidation, with a view to certain equitable considerations. The rate of exchange for the proceeds of the Antwerp Loan is stated by analogy, no more certain rule being at present in possession of the Treasury.

(c.) The actual payment of this interest is not yet known at the Treasury, but an appropriation has been made for it, at the disposal of the Minister Plenipotentiary of the United States in France.

(d.) Advice is received that this payment was going on, though it had not been completed. There is no cause to doubt that it has been since carried into full effect.

(e.) The produce of the bills drawn for this sum, and other particulars respecting it, will appear from the schedules Nos. 3 and 4.

According to the terms of all these Loans the United States are bound to reimburse, in fifteen years, by equal instalments, the first beginning the eleventh year; but the United States have reserved a right upon all except the two last to reimburse at any time at their pleasure. The reimbursement of the two last (according to the general usage of the country observed in all Loans by the United States prior to the present Government) cannot begin till the eleventh year.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *January 3, 1793.*

Loans.

No. II.

Statement showing the particular periods when the bonds were distributed, and the moneys received upon the different Loans.

ON THE FIRST LOAN, DATED FEBRUARY 1, 1790.

			<i>Florins.</i>		
1790.	February,	Received by the Commissioners	- - -	1,167,000	
	March,	do do	- - -	515,000	
	April,	do do	- - -	232,000	
	May,	do do	- - -	230,000	
	June,	do do	- - -	191,000	
	July,	do do	- - -	191,000	
	August,	do do	- - -	32,000	
	September,	do do	- - -	39,000	
	October,	do do	- - -	39,000	
	November,	do do	- - -	39,000	
	December,	do do	- - -	170,000	
1791.	January,	do do	- - -	155,000	
					3,000,000

ON THE SECOND LOAN, DATED MARCH 1, 1791.

1791.	February,	Received by the Commissioners	- - -	669,000	
	March,	do do	- - -	1,058,000	
	April,	do do	- - -	317,000	
	May,	do do	- - -	456,000	
					2,500,000

ON THE THIRD LOAN, DATED SEPTEMBER 1, 1791.

1791.	August 31,	Received by the Commissioners	- - -	1,905,000	
	September 30,	do do	- - -	1,816,000	
	October 31,	do do	- - -	1,379,000	
	November 30,	do do	- - -	870,000	
	December 31,	do do	- - -	30,000	
					6,000,000

ON THE FOURTH LOAN, MADE AT ANTWERP, DATED DECEMBER 1, 1791.

The details of this Loan are deficient. Paid, as received, to France	-	-	-	2,050,000	
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ON THE FIFTH LOAN, DATED JANUARY 1, 1792.

1791.	December 31,	Received by the Commissioners	- - -	509,000	
1792.	January 31,	do do	- - -	701,000	
	February,	do do	- - -	524,000	
	March,	do do	- - -	439,000	
	April,	do do	- - -	378,000	
	May,	do do	- - -	285,000	
	June,	do do	- 112,000 }	164,000	
	July,	do do	- 52,000 }		
					3,000,000

ON THE SIXTH LOAN, DATED JUNE 1, 1792.

1792.	June 1,	Received by the Commissioners	- - -	705,000	
	Do	do do	- - -	761,000	
	July,	do do	- - -	468,000	
	August,	do do	- - -	222,000	
	September,	Payable	- - -	*281,000	
	October,	do	- - -	*281,000	
	November,	do	- - -	*282,000	
					3,000,000

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *January 3, 1793.*

* These three sums are stated upon conjecture, the accounts received not coming lower down than the 6th of September.

Loans.

No. III.

A statement of the bills which have been drawn by the Treasurer of the United States upon the Commissioners in Amsterdam, showing the application of the moneys arising from the sales of those bills, and the balance which remains unapplied.

	<i>Florins sts. p.</i>	<i>Dolls. cts.</i>
The amount of bills sold by the Banks of North America and New York, as settled at the Treasury, is	2,468,673 12 8	997,443 53
Amount of interest which has arisen on the credit allowed to the purchasers -	-	8,062 83
Amount of bills furnished the Secretary of State	99,000 00	
Do do do	95,947 10	
	194,947 10 0	78,766 67
	2,663,621 2 8	1,084,293 03

Amount of bills disposed of by the Bank of the United States.

	<i>Florins.</i>		<i>Dolls. cts.</i>	
1792.				
April 17	500,000	favor J. Kean, at 36 4-11 cts.	202,020 20	
June 30	123,750	T. Jefferson, do	50,000 00	
From July 12 to Oct. 15	1,100,000	J. Kean, 40 7-10 cts.	447,700 00	
Nov. 30	1,237,560	T. Willink, 36 4-11 cts.	500,000 00	
Dec. 28	94,750	J. Kean, do	10,000 00	
	2,986,000		0 0	1,200,720 20
Interest which will accrue on the sales, computed according to the terms prescribed	-		-	10,755 00
	5,649,621		2 8	2,304,769 13

Payments made on account of the French Debt, principally for the supply of the French Colony of St Domingo.

1792. February 21, to the Minister Plenipotentiary of France	-	\$8,325 00	
December 15, do do do	-	5,445 00	
February 21, the Consul General of France	-	22,000 00	
March 12, do do do	-	100,000 00	
May 31, do do do	-	100,000 00	
September 17, do do do	-	26,068 00	
28, do do do	-	17,936 00	
October 15, do do do	-	24,660 00	
November 1, do do do	-	19,961 00	
16, do do do	-	2,358 00	
22, do do do	-	8,997 00	
30, do do do	-	64,935 01	
December 15, do do do	-	34,558 82	
31, do do do	-	10,000 00	
	-	\$445,263 83	
Payment of the Debt due to certain foreign officers, made and to be made	-	†191,316 90	
	-	636,580 73	

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *January 3, 1793.*

* The continuing necessities of the Colony of St. Domingo will call for further supplies. A decree of the National Assembly of France, of the 26th of June, 1793, contemplates a supply from the United States of 4,000,000 livres, or \$726,000.

† Provision has been made for the payment of the principal part of the interest of this Debt, at Paris, according to stipulation. Interest upon the whole ceased on the 1st of January, 1793.

The residue of the sum drawn for is applicable to the purchase of the Public Debt. There remains to be received, according to the terms of sale, \$632,132 02.

Loans.

No. IV.

A particular statement of the bills drawn by the Treasurer of the United States, showing the different periods when drawn and paid in Amsterdam, and the balance remaining unpaid on the 6th of September, 1792.

Date of the Secretary's direction.	Amount of bills directed to be drawn.	When drawn.	In whose favor.	Amount of bills drawn by the Treasurer.	When paid in Amsterdam.	Amount of bills paid in Amsterdam.
1790.	<i>Florins st. p.</i>	1790.		<i>Florins st. p.</i>	1791—	<i>Florins st. p.</i>
Dec. 15	25,000 0 0	Dec. 17	T. Francis -	25,000 0 0	from 21 to 28 Feb.	276,978 12 0
15	25,000 0 0	17	Wm. Seton -	25,000 0 0	14 to 23 Mar.	154,608 10 0
20	3,052 10 0	20	T. Francis -	3,052 10 0	4 to 30 April	339,786 10 8
22	7,000 0 0	23	Do -	7,000 0 0	16 to 26 May	95,000 0 0
30	8,340 0 0	30	Do -	8,340 0 0	31 May	99,000 0 0
31	25,000 0 0	31	Do -	25,000 0 0	6 to 27 July	323,340 18 0
1791.						
Jan. 1	110,000 0 0	1791	Do	710,000 0 0	1 to 24 Aug.	186,002 11 0
6	100,000 0 0		W. Seton		12 to 26 Sept.	40,956 11 0
13	100,000 0 0		T. Francis		6 to 31 Oct.	45,000 0 0
27	100,000 0 0		Do		6 to 28 Dec.	39,540 0 0
27	200,000 0 0		W. Seton		1792—3 to 31 Jan.	792,415 5 0
29	100,000 0 0	Mar. 19	T. Francis	11 to 20 Feb.	32,544 15 0	
Mar. 18	99,000 0 0		T. Jefferson	6 to 30 Mar.	128,500 0 0	
May 3	200,000 0 0	Do	T. Francis	10 April	95,947 10 0	
3	200,000 0 0		W. Seton	2 May	4,000 0 0	
21	100,000 0 0		Do			
21	100,000 0 0		T. Francis			
Verbal direction	65,281 2 8	June	Do -	65,281 2 8		
Oct. 31	500,000 0 0	Oct. & Nov. 1791.	Do	1,000,000 0 0		
31	500,000 0 0		W. Seton			
1792.		1792.				
Jan. 27	95,947 10 0	Jan. 27	T. Jefferson -	95,947 10 0		
	2,663,621 2 8			2,663,621 2 8		2,663,621 2 8
April 17	500,000 0 0	April	John Kean -	500,000 0 0	1792—	
June 29	123,750 0 0	June 30	T. Jefferson -	123,750 0 0	from 2 to 25 July	376,946 19 0
July 12	500,000 0 0	July	John Kean -	500,000 0 0	3 to 27 Aug.	246,803 1 0
Aug. 30	200,000 0 0	August	Do -	200,000 0 0	Balance remaining to be paid on the 6th Sept., 1792 -	2,362,250 0 0
Oct. 8	300,000 0 0	October	Do -	300,000 0 0		
15	100,000 0 0	Do	Do -	100,000 0 0		
Nov. 30	1,237,500 0 0	Dec.	T. Willing -	1,237,500 0 0		
Dec. 28	24,750 0 0	Do	John Kean -	24,750 0 0		
	2,986,000 0 0			2,986,000 0 0		2,986,000 0 0

REMARKS.

The bills drawn from the 15th December, 1790, to June, 1791, inclusively, have been sold at 36 4-11 ninetieths of a dollar per guilder, payable in sixty days, or in ninety, with interest for thirty days.

Those drawn in October and November, 1791, have been sold at the same rate of exchange for cash, or on a credit not exceeding ninety days, the purchaser paying interest for the whole term of the credit. The terms upon which the bills in April, 1792, have been disposed of were a credit of six months; the first two months without interest, and the last four months with an allowance of six per cent. by the purchaser, the rate of exchange as before. In July, August, and October, 1792, the rate of exchange was forty cents and seven mills per guilder, one moiety to be paid in two, and the other moiety in four months, with interest from the time of each sale. In November and December, 1792, the exchange was 36 4-11 ninetieths of a dollar.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *January 3, 1793.*

Loans.

[Communicated to the House of Representatives, January 11, 1793.]

TREASURY DEPARTMENT, *January 10, 1793.*

SIR: The resolution of the House of Representatives of the 27th of December last having been considered as contemplating Foreign Loans only, the statements rendered to the House on the 3d instant, were confined merely to those objects.

But, lest a greater latitude should have been intended by that resolution, I have the honor to transmit, herewith, a supplementary statement, No. V., which contains the several sums that have been borrowed in the United States, under the authority of the President; and to be, with perfect respect, sir, your most obedient servant,

ALEXANDER HAMILTON, *Secretary of the Treasury.*

The Hon. SPEAKER of the House of Representatives of the United States.

No. V.

A statement of the moneys which have been borrowed in the United States, by the Government, and applied pursuant to several acts of Congress.

Under the act, entitled "An act making appropriations for the support of Government for the year 1790," the following sums were borrowed from the Bank of New York, and applied as specified in the said act, viz:

1790, March 31, \$30,000
April 8, 25,000

55,000, at the rate of 6 per cent. per annum, from the respective dates mentioned, to the 14th May, 1790, when the Loan was reimbursed.

Pursuant to the act, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," a Loan has been obtained from the Bank of the United States, agreeably to a contract with the said Bank, dated the 25th of May, 1792, of \$523,000* at the rate of 5 per cent. per annum, reimbursable at the pleasure of the United States; upon which Loan there has been received in the Treasury, in the following instalments, and applied to the purpose for which it was appropriated—

\$100,000	on the 1st of June,	1792.
100,000	1st of July,	1792.
100,000	1st of August,	1792.
100,000	1st of September,	1792.†

The interest accruing on the said instalments to the 1st of January, 1793, was made payable on that day, and thenceforth, until the reimbursement of the principal, the interest on the whole is to be paid half-yearly, namely, on the 1st of July and on the 1st of January, in each year.

The surplus of the duties laid by the act before mentioned, to be applied, as the same shall accrue, to the reimbursement of the principal and interest.

Pursuant to the act, entitled "An act to incorporate the subscribers to the Bank of the United States," a Loan has been made, by the said Bank to the United States, of \$2,000,000, at the rate of 6 per cent. per annum, reimbursable in ten years, by equal annual instalments, or at any time sooner, or in any greater proportions that the Government may think fit.

This Loan has been applied as directed by the act under which it was borrowed.

The time when the interest commenced on \$1,000,000 of the said Loan, is coincident with the time when the dividend upon the stock of the Bank began to accrue, namely: the 20th of December, 1791. Upon the remaining \$1,000,000, interest commenced on the 1st of July, 1792.

ALEXANDER HAMILTON, *Secretary of the Treasury.*TREASURY DEPARTMENT, *January 10, 1793.*

[Communicated to the Senate, January 18, 1793.]

The Senate passed the following order, January 15, 1793:

Ordered, That the Secretary of the Treasury lay before the Senate the account of the United States with the Bank of the United States, specifying the precise sums, with the dates of the debits and credits, from the institution of the Bank to the day the return is made.

That the Secretary of the Treasury also lay before the Senate, an account of the surplus of revenue appropriated to the purchase of the Public Debt, to the same period, specifying the sums and dates.

That he lay before the Senate, a statement of the money borrowed by virtue of the law passed August the 4th, 1790, with the appropriation of the amount, and the precise dates.

That he lay before the Senate the amount and application of the money borrowed by virtue of the law of August the 12th, 1790.

* Errata.—The true sum, agreeably to contract, was \$523,500.

† This sum was not received till the 20th of September.

Loans and Finances.

And that he also lay before the Senate, an account exhibiting the probable surplus, and unappropriated revenue of the year 1792, stating, as far as possible, the dates and the sums.

TREASURY DEPARTMENT, *January 16, 1793.*

SIR: I have the honor to transmit, herewith, pursuant to the order of the Senate of yesterday, the following documents, viz:

Books Nos. 1 and 2,* containing the current cash account between the United States and the Bank of the United States, from the commencement of the operations of that institution until this day.

Files A, B, C, D.*

A. Containing a series of accounts beginning the 16th of June, 1792, and ending the 5th of January, 1793, showing the cash account of the United States with the Office of Discount and Deposit of the Bank of the United States at Boston.

B. Containing a series of accounts, beginning the 29d of May, 1792, and ending the 5th of January, 1793, showing the cash account of the United States with the Office of Discount and Deposit of the Bank of the United States at New York.

C. Containing a series of accounts, beginning the 9th of August, 1792, and ending the 5th of January, 1793, showing similar accounts with the Office of Discount and Deposit at Baltimore.

D. Containing a series of accounts, beginning the 9th of June, and ending the 29d of December, 1792, showing similar cash accounts with the Office of Discount and Deposit at Charleston.

Statement E, being an abstract of the balances remaining in the several Offices of Discount and Deposit, at the respective periods of the last returns.

Statements AB and Nos. 1, 2, 3, being accounts of the sales of bills on Amsterdam, by the Bank of the United States, and the several offices of Discount and Deposit.

These documents fulfil the first object of the order above mentioned.

Statement F, showing the surplus of revenue appropriated to the purchase of the Public Debt. This surplus arose at the end of the year 1790, and was appropriated by an act of the 18th of August, 1790.

This fulfils the second object of the order, as I understand its meaning.

Statements (printed) Nos. 1, 2, 3, 4.†

These have been heretofore presented to the House of Representatives, and show, with as much detail and accuracy as is now in the power of the Treasury, the different Loans which have been made pursuant to the acts of the 4th and 12th of August, 1790, and their application, as far as it has gone.

These Loans having been contracted in virtue of the powers communicated by both acts, without particular reference to either, a specification of the Loans made upon each is, of course, not practicable. This mode of proceeding was indicated first, by an intimation from our bankers in Holland that a distinction might prove an embarrassment, (being a novelty, the reason of which would not be obvious to the money-lenders.) Secondly, by the consideration that, if the Loans were made upon both acts indiscriminately, their application could be regulated as circumstances, from time to time, should render advisable.

These documents fulfil, as far as is practicable, the third and fourth objects of the order.

Statement G, showing the probable unappropriated surplus of the public revenue during the year 1792. This fulfils, as far as can now be done, the last of the objects comprised in the order of the Senate. But, by way of explanation, I beg leave to refer to the printed statement D, which accompanied the estimate for the service of the present year, reported to the House of Representatives on the 14th of November last, and which is herewith transmitted.

The books Nos. 1 and 2, the papers contained in the files A, B, C, and D, and those marked AB, Nos. 1, 2, 3, are originals. They are sent, rather than transcripts, to avoid delay, as it is understood that the statements called for have reference to the deliberations of the Senate on the bill making appropriations for the service of the current year.

I suppose it would be most agreeable to the Senate to be enabled, as soon as possible, by the receipt of the information they have required, to proceed to a decision on that important subject; and, exposed as I am to very perplexing dilemmas, for the want of the requisite appropriations, in consequence of arrangements which it was my duty to enter into, to be able to keep pace with the exigencies of the public service, I could not but feel a solicitude to hasten the communication.

As the originals which have been mentioned are necessary documents of office, I request that the Senate will be pleased to cause them to be returned as soon as they shall have answered the purpose for which they have been required. With the most perfect respect, I have the honor to be, &c.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

The VICE PRESIDENT of the United States and President of the Senate.

* "Books Nos. 1 and 2," and "files A, B, C, D," were returned, and are not now to be found.

† For these statements, see preceding tables.

Loans and Finances.

No. 1.

Sales of Government bills on Amsterdam, at the Office of Discount and Deposits in New York, viz: 225,000 guilders, at 36 4-11 ninetieths of a dollar per guilder, on a credit of six months, with interest for the last four months.

When sold.	To whom sold.	Amount in guilders.	Amount in dollars.	When paid.	Amount of interest.	Sums paid.
1792.						
April 25	Rowlett & Corp - -	162,000	65,454 54	Oct. 15	1,201 36	66,655 90
26	Norman Butler - -	8,660	3,232 32	Aug. 6	21 54	3,253 86
May 4	William Edgar - -	1,000	404 04	July 4	-	404 04.
10	Samuel Ward & Brothers	26,000	10,505 05	Nov. 13	215 35	10,720 40
13	George Scriba. - -	28,000	11,313 13.	21	231 92	11,545 05
		225,000	90,909 08		1,670 17	92,579 25

Errors excepted.

JONATHAN BURRALL, *Cashier.*OFFICE OF DISCOUNT AND DEPOSITS, *New York, January 12, 1793.*

N. B. The Secretary of the Treasury gave permission to receive payment of the notes that were on interest at any time before they became due.

No. 2.

Sales of Government bills on Amsterdam, at the Office of Discount and Deposits in New York, viz: 250,000 guilders, at 40 cents 7 mills per guilder, payable the one-half in two months, and the other half in four months, with interest.

When sold.	To whom sold.	Am't in guilders.	Amount in dollars.	When paid.	Amount of interest.	Sums paid.
1793.						
July 27	Saml. Ward & Brothers	25,000	5,087 50	Sept. 29	53 37	5,140 87
	Do		5,087 50	Nov. 28	104 29	5,191 79
	Obadiah Bowen	25,000	5,087 50	Sept. 29	53 37	5,140 89
	Do		5,087 50	Nov. 28	104 29	5,191 79.
Aug. 7	Nicholas Cook & Co.	25,000	5,087 50.	Oct. 9.	53 37	5,140 89
	Do		5,087 50	Dec. 8	104 29	5,191 79
	Josiah Adams & Co.	25,000	5,087 50	Oct. 9	53 37	5,140 87
	Do		5,087 50	Dec. 8	104 29	5,191 79
21	Jacob & Philip Mack	25,000	5,087 50	Oct. 23	58 41	5,140 91
	Do		5,087 50	Dec. 22	104 29	5,191 79
27	John Murray	15,000	3,055 00	Oct. 29	32 07	3,087 07
	Do		3,060 00.	Dec. 27	62 53	3,112 53
Sept. 3	Daniel Badcock	25,000	5,087 50	Nov. 4	53 42	5,140 92
	Do		5,087 50	1793, Jan. 5	104 30	5,191 80
4	Matthew Clarkson	10,000.	2,035 00	1792, Nov. 5	20 35	2,055 35
	Do		2,035 00	1793, Jan. 5	40 70	2,075 70
	Le Roy & Bayard	25,000	5,087 50	1792, Nov. 5	50 87	5,138 37
	Do		5,087 50	1793, Jan. 5	101 74	5,189 24
5	Van Horne & Clarkson	26,000.	5,087 50	1792, Nov. 7	53 41	5,140 91
	Do		5,087 50	1793, Jan. 6	104 29	5,191 79
7	Nicholas Hoffman	3,000	610 50	1792, Nov. 9	6 40	616 90
	Do		610 50	1793, Jan. 8	12 51	623 01
10	John P. Mumford & Co.	22,000	4,477 00	1792, Nov. 12	47 01	4,524 01
	Do		4,477 00	1793, Jan. 12	91 77	4,568 77
		250,000.	101,750 00		1,560 71	103,319 71

Errors excepted.

JONATHAN BURRALL, *Cashier.*OFFICE OF DISCOUNT AND DEPOSITS, *New York, January 12, 1793.*

Loans and Finances.

AB.

Account of Treasury bills on Amsterdam, sold by the Bank of the United States and Offices of Discount and Deposite.

Date of sale.	Guilders and stivers.	Purchasers' names.	Moneys received.		Notes remaining unpaid.	
			Amount of note.	Interest on note.	Amount.	When payable.
1792.						
April 25	88,053 1	Matthew McConnell -	35,577 0	981 4		
27	156,543 15	Jonathan Williams -	63,250 0	1,326 30		
	5,403 4	Anthony Butler -	2,183 16	43 66		
28	225,000 0	Office at New York.				
	25,000 0	Thomas Fitzsimons -	10,101 2	314 91		
July 2	24,000 0	Pragers & Co. -	9,758 0	156 52		
21	50,000 0	Office of New York.				
	25,000 0	Office of Baltimore.				
31	612 0	Samuel Meredith -	249 9	6 91		
	25,000 0	Joseph Anthony & Son -	10,175 0	152 62		
	25,000 0	Ward & Brothers -	10,175 0	152 62		
	15,000 0	Anthony Butler -	*105 0	93 0		
			6,000 0			
	24,000 0	William Bell -	9,768 0	146 52		
August 1	50,000 0	Office of New York.				
2	25,000 0	Office of Baltimore.				
9	1,886 0	William McPherson -	564 2	8 78		
10	8,332 10	Henry Hill -	3,391 33	52 11		
14	50,000 0	Office of New York.				
15	3,000 0	Bake & Co. -	1,221 0	18 33		
16	50,000 0	Office of New York.				
21	2,000 0	Leonard Jacoby -	814 0	12 24		
	12,658 10	Fred. W. Stanman -	5,152 0	79 85		
	2,000 0	Cash -	814 0			
23	12,000 0	Do -	4,884 0			
24	10,000 0	Bohlen -	4,070 0	59 5		
31	50,000 0	Office at New York.				
	20,000 0	Thomas Ketland -	8,140 0	126 16		
Sept. 5	12,000 0	George Meade -	4,884 0	75 70		
14	25,000 0	George Sweetman -	10,175 0	157 71		
15	25,000 0	Nixon & Foster -	10,175 0	157 71		
29	25,000 0	George Ord -	10,175 0	157 71		
	25,000 0	Thomas M. Willing -	10,175 0	157 71		
	6,000 0	Leonard Jacoby -	1,221 0	13 0	1,221 0	Jan. 29
October 2	15,000 0	George Harrison -	3,052 50	32 4	3,052 50	29
	6,800 0	F. W. Stanman -	1,383 80	14 52	1,383 50	Feb. 2
3	25,000 0	Willing, Morris, & Stanwick -	5,087 50	53 40	5,087 50	3
4	10,000 0	Joseph Anthony & Son -	2,035 0	21 36	2,035 0	4
6	13,000 0	T. Dalton -	2,645 50	27 77	2,645 50	7
	15,000 0	George Bickham -	3,052 50	32 4	3,052 50	7
	12,211 0	John Donaldson -	2,484 94	26 7	2,484 94	7
10	7,116 0	Conyngham, Nesbitt, & Co. -	1,448 11	15 20	1,448 11	8
	25,000 0	Pragers & Co. -	5,087 50	53 41	5,087 50	8
	25,000 0	F. & J. West -	5,087 50	53 41	5,087 50	8
	25,000 0	James & W. Miller -	5,087 50	53 41	5,087 50	8
11	3,000 0	John Donaldson -	610 50	6 40	610 50	10
13	15,289 0	Berthier & Co. -	3,111 32	32 67	3,111 32	12
	20,000 0	Robert Morris -	4,070 0	42 72	4,070 0	12
	15,000 0	Lewis Deblois -	3,424 59	†146 67	1,669 67	12
	120,000 0	Cash -	48,840 0			

* Paid \$105 at the time of purchase.

†\$146 67 is the amount of the whole interest on the two periods of 60 and 120 days, for bills sold L. Deblois.

Loans—Statement AB, continued.

Date of sale.	Guilders and stivers.	Purchasers' names.	Moneys received.		Notes remaining unpaid.	
			Amount of note.	Interest on note.	Amount.	When payable.
1792.						
15	5,000 0	John Nixon . . .	1,017 50	10 68	1,017 50	Feb. 14
	16,000 0	Anthony Butler - -	3,256 0	34 18	3,256 0	14
	8,595 0	Cash - - - - -	3,498 17			
17	1,000 0	Do - - - - -	407 0			
18	35,000 0	Do - - - - -	14,245 0			
19	34,000 0	Do - - - - -	13,836 0			
	10,000 0	Do - - - - -	4,070 0			
20	10,000 0	Do - - - - -	4,070 0			
24	10,000 0	Do - - - - -	4,070 0			
26	15,000 0	Do - - - - -	6,105 0			
	1,600,000 0		384,292 27	5,056 11	51,408 4	

Total amount of guilders sold at the office at New York is - - - - - 475,000
 Total amount of guilders sold at the office at Baltimore - - - - - 50,000
 Amount of moneys received at the Bank of the United States for Amsterdam bills, to the 15th January, 1793, as above - - - - - 384,292 27
 Interest received on ditto, as above - - - - - 5,056 11
 389,348 38
 Amount of moneys received at the Office of Discount and Deposit at New York, per account No. 1 - - - - - 92,579 25
 Do do do per account No. 2 103,319 71
 195,898 96
 Amount of moneys received at the Office of Discount and Deposit at Baltimore, per account No. 3 - - - - - 20,635 74
 Total amount of moneys received by the Bank and Offices for Amsterdam bills - - - - - 605,883 08
 There still remain due on account of Amsterdam bills, notes payable at Bank, as above 51,408 04

N. B.—As these notes are not always paid the day they fall due, the interest is not carried out.
 BANK OF THE U. S., January 15, 1793. DAVID S. FRANKS, Assistant Cashier.

No. 3.

Account Sales of 50,000 guilders, Government bills, on Amsterdam, at the Baltimore Office of Discount and Deposit.

Date.	Nos.	Purchasers.	Amount guilders.	Price per guilder.	Time of credit.	Principal.	Interest.	Total.
1792.				<i>cts. m.</i>	<i>Days.</i>			
July 26	653	Ghequire & Holmes -	4,000	at 40	07	\$1,628	\$16 28	\$1,644 28
26	654	Do - - - - -	4,000	do	120	1,628	32 56	1,660 56
26	{ 631 } { 684 }	George Grundy -	8,000	do	60 & 120	3,256	29 34	*3,285 34
26	641	William Van Wyck -	3,000	do	60 & 120	1,221	18 31	1,239 31
26	685	Ratien & Konecke -	6,000	do	60 & 120	2,442	36 63	2,478 63
Aug. 6	660	Henry Schroeder -	4,000	do	60 & 120	1,628	24 42	1,652 42
6	664	William Taylor -	5,000	do	60 & 120	2,035	30 52	2,065 52
6	696	Adrian Valck -	7,000	do	60 & 120	2,849	42 74	2,891 74
6	713	Nicholas Slubey & Co.	9,000	do	60 & 120	3,663	54 94	3,717 94
			50,000			20,350	285 74	†20,635 74

* Of which \$1,300 were paid at the time of sale, which is the reason for the interest on this appearing less than on the same sum, immediately above. † Total, and paid agreeably to the credit given.

BALTIMORE OFFICE OF DIS. AND DEP., Jan. 12, 1793.

DAVID HARRIS, Cashier.

Loans.

A statement of the sums which have been applied to the purchase of the Public Debt.

The amount heretofore reported to Congress by the Commissioners for purchasing the Public Debt, down to the 17th of November, 1792, in specie	-	\$967,821 65
Since that date, there has been applied to the same purpose, through the agency of Samuel Meredith, the sum of	-	15,098 11
And through Jonathan Burrall, in New York	-	50,000 00
Total amount in specie	-	<u>1,032,919 76</u>

TREASURY DEPARTMENT, *January 16, 1793.*

G.

A statement showing the probable surplus of the revenue of the United States, for the year 1792.

Nett product of duties on imports and tonnage, from the 1st of January to the 31st of December, 1792, as estimated (a)	-	\$3,900,000 00
Nett products of duties on home-made spirits, as estimated	-	400,000 00
		<u>4,300,000 00</u>
APPROPRIATIONS.		
Interest on the Public Debt for the year 1792	\$2,849,194 73	
For the support of Government for the same year, appropriated by the act of the 23d of December, 1791	600,000 00	
Towards carrying into execution the act, entitled "An act making further and more effectual provision for the protection of the frontiers," appropriated by the act of the 2d of May, 1792	523,500 00	
To defray any expense incurred in relation to the intercourse between the United States and foreign nations, appropriated by the act of the 8th of May, 1792	50,000 00	
		<u>4,022,694 73</u>
Surplus	-	<u>277,305 27</u>

(a) This sum is estimated by adding to the ascertained product of the year 1791, an ascertained excess of product of the first two quarters of the year 1792, beyond the product of the first two quarters of the year 1791, being \$252,319 11, and the estimated product for a half year, of the additional duties on imports, laid during the last session of Congress, and commencing on the 1st of July last, being \$261,750. According to the information hitherto received at the Treasury, there is every probability that the amount of the duties for the last half year of 1792, will fully equal this calculation of their product, if in the ratio of the first half year, will exceed it.

TREASURY DEPARTMENT, *January 16, 1793.*

ALEXANDER HAMILTON.

LOANS.

[Communicated to the House of Representatives, February 4, 1783.]

IN THE HOUSE OF REPRESENTATIVES U. S.

Wednesday, January 23, 1793.

Resolved, That the President of the United States be requested to cause to be laid before this House copies of the authorities under which Loans have been negotiated, pursuant to the acts of the 4th and 12th of August, 1790, together with copies of the authorities directing the application of the moneys borrowed.

Resolved, That the President of the United States be requested to cause this House to be furnished with the names of the persons by whom and to whom the respective payments of the French Debt have been made

in France, pursuant to the act for that purpose; specifying the dates of the respective drafts upon the Commissioners in Holland, and the dates of the respective payments of the Debt: A similar statement is requested respecting the Debts to Spain and Holland.

Resolved, That the Secretary of the Treasury be directed to lay before this House an account, exhibiting, half-monthly, the balances between the United States and the Bank of the United States, including the several Branch Banks, from the commencement of those institutions to the end of the year 1792.

Resolved, That the Secretary of the Treasury be directed to lay before this House an account of all moneys which may have come into the Sinking Fund, from the commencement of that institution to the present

Loans.

time; specifying the particular fund from which they have accrued, and exhibiting, half-yearly, the sums uninvested, and where deposited.

Resolved, That the Secretary of the Treasury be directed to report to this House the balance of all unapplied revenues at the end of the year 1792; specifying whether in money or bonds, and noting where the money is deposited: That he also make report of all unapplied moneys which may have been obtained by the several Loans authorized by law, and where such moneys are now deposited.

Report of the SECRETARY OF THE TREASURY, in pursuance of the foregoing resolutions:

TREASURY DEPARTMENT, Feb. 4, 1793.

SIR: I have lost no time in preparing, as far as has been practicable, consistently with the course of facts, the several statements required by the resolutions of the House of Representatives of the 23d of last month; and I have concluded to add to them such further statements as appeared to me necessary to convey fully the information which is understood to be the object of those resolutions. It was my first intention to submit these statements collectively, with such explanatory remarks as the occasion might demand; but finding on experiment, from the extent and variety of the matter involved in the resolutions, that more time will be requisite for a full development of it than I had anticipated, considerations of weight in my mind have determined me to present the different parts of the subject successively. Among other advantages incident to this course of proceeding, will be that of having it in my power to give a more accurate and mature view of the entire subject, without too great a dereliction of the current business of the Department. In executing the task I propose to myself, I shall rely on the indulgence of the House to a latitude of observation, corresponding with the peculiar circumstances of the case.

The resolutions to which I am to answer, were not moved without a pretty copious display of the reasons on which they were founded. These reasons are before the public, through the channel of the press. They are of a nature to excite attention, to beget alarm, to inspire doubts. Deductions of a very extraordinary complexion may, without forcing the sense, be drawn from them.

I feel it incumbent upon me to meet the suggestions which have been thrown out with decision and explicitness. And while I hope I shall let fall nothing inconsistent with that cordial and unqualified respect which I feel for the House of Representatives, while I acquiesce in the sufficiency of the motives that induced on their part the giving a prompt and free course to the investigation proposed, I cannot but resolve to treat the subject with a freedom which is due to truth and to the consciousness of a pure zeal for the public interest.

I begin with the last of the four resolutions, because it is that which seeks information relating to the most delicate and important of the suggestions that have been hazarded.

Here, however, I have to regret the utter impossibility of a strict compliance with the terms of the resolution. The practicability of such a compliance would suppose nothing less than that, since the last day of December, 1792, all the accounts of all the Collectors of the Customs, and other officers of the revenue throughout the whole extent of the United States, could be digested, made up, and forwarded to the Treasury—could be examined there, settled, and carried into the public books under their proper heads. In a word, that all the accounts of the revenues, receipts, and expenditures of this extensive country, could have passed through a complete exhibition, examination, and adjustment within the short period of twenty-three days.

It was made (as I presume from the result) satisfactorily to appear to a Committee of the House of Representatives, who were charged during the last session with framing a direction to the Treasury for bringing forward an annual account of Receipts and Expenditures, that the course of public business would not admit of the rendering of such an account in less than nine months after the expiration of each year; in conformity to which idea, their report was formed and an order of the House established.

I need do nothing more, to evince the impracticability of an exact compliance with the resolution in question, than to observe, that it is even more comprehensive (though with less detail) than the order of the House to which I have alluded. To evince, nevertheless, my readiness to do all in my power towards fulfilling the views of the House, and throwing light upon the transactions of the Department, I shall now offer to their inspection sundry statements, marked A, A B,* B, C, D, E, F, which contain, as far as is at this time possible, the information desired, and with sufficient certainty and accuracy to afford satisfaction on the points of inquiry involved in the resolution.

The statement A shows in abstract the whole of the receipts into, and expenditures from, the Treasury, commencing with the first of January, and ending with the last of December, 1792, corresponding with the accounts of the Treasurer. These accounts have been regularly settled up to the end of September, and copies have been laid before the two Houses of Congress. The account for the quarter terminating with the year has not yet passed through the forms of settlement, but is under examination, and will, no doubt, be settled as it stands—the manner of conducting the business, and the usual care and accuracy of the officer concerned, leaving very little room to apprehend misstatement or error. A copy of this account is herewith submitted in the schedule marked C.

This statement takes up the balance of the general account of Receipts and Expenditures to the end of the year 1791, as reported to the House of Representatives within the first week of the present session, and continuing it down to the end of 1792, shows a balance then in the Treasury of \$783,444 51.

* For this statement, see ante page 1191.

Loans.

The statement B is a more comprehensive document. It is a general account of Income and Expenditure. It shows not merely the actual receipts of money into the Treasury, but the whole amount of the national revenues from the commencement of the present Government to the conclusion of the year 1792, as well outstanding as collected—the proceeds of Domestic Loans—the whole amount of the sums which have been drawn into the United States on account of the Foreign Loans—and all other moneys, from whatever source, which have accrued within the period embraced by the statement.

These items form the debit side of the account, amounting to \$17,879,825 33.

The credit side consists of two items. First, the whole amount of the actual expenditures to the end of the year 1791, as stated in the general account of Receipts and Expenditures before referred to. Second, the whole amount of the actual expenditures during the year 1792, as specified generally in the statement A, and particularly in the several quarterly accounts of the Treasurer, amounting to \$12,765,128 83.

The balance of this account of Income and Expenditure is, consequently, \$5,114,696 50; which corresponds with the excess of the public income (including the proceeds of Loans foreign and domestic) beyond the actual expenditure, or, more properly speaking, disbursement to the end of the year 1792. This of course is exclusive of those parts of the proceeds of Foreign Loans which have been left in Europe to be applied there; the amount, application, and balance of which are exhibited, as far as they are known at the Treasury, in the statement No. 1 of my late Report on Foreign Loans.

This balance, as noted in the statement B, is composed of the following particulars:

I. Cash in the Treasury, per statement A	\$783,444 51
II. Cash in the Bank of the United States, and the offices of Discount and Deposit of New York and Baltimore, not yet passed to the account of the Treasurer, per statement A B,	605,883 08
III. Proceeds of Amsterdam bills remaining in deposit in the Bank of North America, including the sum of \$156,595 56 cents advanced by the Bank without interest, which is credited in the general account of Receipts and Expenditures, statement A	177,998 80
IV. Proceeds of Amsterdam bills sold but not yet received	614,593 02
V. Cash in hands of Collectors of Customs, per abstract D	151,851 25
VI. Bonds unpaid at the end of the year 1792, on account of the duties on imports, and falling due between that time and May, 1794, per abstract E	2,442,069 15

VII. Uncollected residue of duties on spirits distilled within the United States, per abstract F,	341,057 19
Total	\$5,116,897 00

This aggregate somewhat exceeds the balance of the account; but, in a case where estimates must necessarily supply the deficiency of ascertained results, differences of this nature are of course. It is, at the same time, satisfactory to observe that the estimates which have been heretofore communicated are proved, by the official documents already received, to have been essentially correct.

It will no doubt readily occur to the House that a very small part of the excess, which has been stated, is a real surplus of income. There remain to be satisfied numerous objects of expenditure charged upon the fund by the appropriations which have been made, that cannot fail ultimately to exhaust it, probably within four or five hundred thousand dollars; which will be embraced in the appropriations for the service of the year 1793. A further explanation on this point is reserved for future communication.

A due comprehension of the statements now presented, must obviate every idea of a balance unaccounted for, in whatever sense the allegation may have been intended to be made.

If there was before any obscurity on the subject, it was certainly not the fault of this Department. Till the last resolutions, no call has been made upon it which rendered it proper to exhibit a general view of the public moneys and funds, or to show the amount and situation of such as were unapplied. Particular calls for particular objects were made, which as I conceive were complied with; but they were not comprehensive enough to embrace a disclosure of that nature. It could not, therefore, with propriety have been alleged that there was a balance unaccounted for. To infer it from documents, which contained only a part of the necessary information, was not justifiable, nor could it otherwise happen than that conclusions wholly erroneous would be the consequences of taking such imperfect data for guides.

It may be of use, by way of elucidation, to point out some of the most palpable features of the error which has been entertained.

The following items are stated as the basis of the supposed deficiency:

Residue of the proceeds of the Foreign bills supposed to be unapplied, (after deducting the sums furnished for St. Domingo, and the amount of the Debt to Foreign officers)	\$1,668,190
Surplus of Sinking Fund, meaning, I presume, that part of the surplus of the revenue to the end of the year 1790, which had not been applied in purchases	400,000
Surplus of revenue of the year 1792, as reported	277,385
Total	\$2,345,575

Loans.

Deduct in Bank, meaning I presume the balance of the Treasurer's cash account - - - - -	790,642
Balance unaccounted for -	<u>\$1,554,933</u>

It appears in the first place to have been overlooked, that in statement No. 3, of my late Report concerning Foreign Loans, mention is made that, on the 3d of January, there remained to be received of the proceeds of the Foreign bills \$632,132 02; consequently that sum could not be considered as in the Treasury, and ought to be deducted from the supposed deficiency.

Among the official papers which it is intimated were consulted, was an original account, rendered by the Bank of the United States, of the sales of Amsterdam bills, showing a sum of \$605,883 08, as having been received by the Bank and two of its offices of Discount and Deposite, for the proceeds of those bills. Had the document been understood, it would have been known that this sum was in Bank, over and above the balance of the Treasurer's cash account; and this, also, would have served to account for a large part of the supposed deficiency, namely, \$605,883 08. The course of this transaction will be hereafter explained.

But among the misconceptions which have obtained, what relates to the surplus of revenue of the year 1792 is not the least striking. The laws inform (and consequently no information on that point from this Department could have been necessary) that credits are allowed upon the duties on imports of four, six, nine, twelve months, and in some cases of two years. Reason dictates, that a surplus in such case must be considered as postponed in the collection or receipt till all the appropriations upon the fund have been first satisfied. The account of Receipts and Expenditures to the end of 1791, in possession of the House, shows that at that time no less a sum than \$1,828,289 28 of the antecedent duties were outstanding in bonds. How, then, could it have happened that the surplus of 1792 was sought for in the Treasury at the very instant of the expiration of the year? I forbear to attempt to trace the source of a mistake so extraordinary.

Let me, however, add that of the surplus in question, \$172,584 82, are not payable till April and May, 1794, as will be seen by the abstract E.

Thus have I not only furnished a just and affirmative view of the real situation of the public account, but have likewise shown, I trust in a conspicuous manner, fallacies enough in the statement, from which the inference of an unaccounted for balance is drawn, to evince that it is one tissue of error. In this I might have gone still further, there being scarcely a step of the whole process which is not liable to the imputation of misapprehension. But I wish not unnecessarily to weary the patience of the House.

Another circumstance to which importance has been given, and which was noticed in connexion with the suggestion last discussed, is a disagreement between a memorandum in the Treasurer's Bank Book and the statement reported by me, of

the amount of bills drawn at the Treasury upon the Foreign Fund. A disagreement no doubt exists, and to the extent of 5,760,138 florins or guilders.

But the following circumstances contain the solution of this disquieting appearance.

There will be found in the statement A two several credits, each for \$2,000,000, as for moneys received into the Treasury, with corresponding debits of equal sums as for moneys paid out of the Treasury. But neither the one nor the other did in reality take place. The whole is a mere operation to accomplish the purposes of the eleventh section of the "Act to incorporate the subscribers to the Bank of the United States," without an inconvenient and unnecessary displacement of funds.

That section authorizes a subscription to the stock of the Bank, on account of the Government, not exceeding in amount \$2,000,000, and provides for the payment of it out of the moneys which should be borrowed by virtue of either of the acts of the 4th and 12th of August, 1790—the first making provision for the Public Debt, the last for reducing it; enjoining, at the same time, that a Loan should be made of the Bank to an equal amount, to replace the moneys which were to be applied to the payment of the subscription.

It is evident that nothing could have been more useless (at the same time that it would have been attended with obvious disadvantages to the Government) than actually to draw from Europe, out of the moneys borrowed there, the sum necessary for the payment of the subscription to the Bank, and again to remit out of the Loan which was to be obtained of the Bank a sufficient sum to replace such moneys, or such part of them as may have been destined for the Foreign object. Loss upon exchange in consequence of overstocking of the market with bills—loss in interest by the delays incident to the operation, and which would necessarily have suspended the useful employment of the funds for a considerable time—these are some of the disadvantages to the Government. To the Bank alone could any benefit have accrued, which would have been in proportion to the delay in restoring or applying the fund to its primitive destination. Such an operation, therefore, could only have been justified by an indisposition on the part of the Bank to facilitate the principal object, without the intervention of actual payment. But no such disposition existed. On this, as on every other occasion, a temper liberal towards the Government has characterized the conduct of the directors of that institution.

It was accordingly proposed by me, and agreed to by them, that the object to be accomplished should be carried into effect by a merely formal arrangement. In this, however, it was necessary to consult the injunctions of law, and the principles of the constitution of the Treasury Department.

These points, then, were to be effected—a payment of the subscription money, to vest the Government with the property of the stock; possession of the means of paying it, which were to be derived from the Foreign Fund, and of course

Loans.

were first to be in the Treasury before payment could be made; the replacing what should be taken from that fund by a Loan of the Bank.

The following plan for these purposes was devised and executed by previous concert:

The Treasurer drew bills upon our Commissioners in Amsterdam for the sums requisite to complete the payment on account of the subscription. These bills were purchased by the Bank, and warrants in favor of the Treasurer upon the Bank served to place the proceeds in the Treasury. Warrants afterwards issued upon the Treasurer, in favor of the Bank, for the amount of the subscription money, which was receipted for on the part of the Bank as paid. Other warrants then issued in favor of the Treasurer upon the Bank, for equal sums, as upon account of a Loan to the Government; which warrants were satisfied by a re-delivery to the Treasurer of the bills that had been drawn upon the Commissioners. In the last place, warrants were drawn upon the Treasurer to replace the moneys, supposed by the arrangement to be drawn from the Foreign fund, which perfected the operation. But, from the detail which has been given, it will be seen that in fact no moneys were either withdrawn from or returned to that fund. The bills were cancelled, annexed to the warrants, and are lodged in the Treasury as vouchers of the transaction.

These bills were for two separate sums, each 2,475,000 guilders, equal to \$1,000,000; the payment having been divided into two parts, upon certain equitable considerations, relative to the dividend of the first half year.

This transaction explains 4,950,000 guilders, of the sum which forms the disagreement between the memorandum in the Treasurer's Bank Book and the statement reported by me.

The residue is thus explained. The sum of 1,237,500 guilders, directed to be drawn for on the 30th of November, was directed to be comprised in one or more bills, as the Bank should desire. It was at first placed in one bill; but this bill was

afterward returned, with a request that it might be converted into smaller sums. The bill returned was cancelled, and in lieu of it there had been furnished, prior to the first of January of the present year, 934,500 guilders—the balance, 303,000, then remaining to be furnished. The sum of 934,500 guilders consequently appears twice in the memorandum.

These two sums of 4,590,000 and 934,500 guilders, exceed the difference in question by 124,362 guilders.

The Treasurer informs me that there are two bills not included in the memorandum; one for 123,750, and the other for 612 guilders, which make up the above mentioned excess. The former of these two bills was furnished to the Secretary of State for the purpose contemplated by the 3d section of the act of the last session, entitled "An act making certain appropriations therein specified."

Is it not truly matter of regret, that so formal an explanation on such a point should have been made requisite? Could no personal inquiry of either of the officers concerned have superseded the necessity of publicly calling the attention of the House of Representatives to an appearance, in truth, so little significant? Was it seriously supposable that there could be any real difficulty in explaining that appearance, when the very disclosure of it proceeded from a voluntary act of the Head of this Department?

With perfect respect, I have the honor to be, sir, your most obedient and most humble servant,
ALEXANDER HAMILTON,

Secretary of the Treasury.

The Hon. the SPEAKER
of the House of Representatives.

[P. S. Another statement of Income and Expenditure having been made, which presents the subject under another aspect, but agreeing in the result with the statement B, is also herewith submitted, marked Ba.]

A.

General account of Receipts and Expenditures of Public Moneys, commencing the 1st of January, 1792, and ending the 31st of December, 1792.

		Dr.	
1792.			
September	30	To the amount of expenditures from the 1st of January to the 30th of September, 1792, agreeably to the Treasurer's accounts, settled at the Treasury, copies of which have been by him transmitted to the House of Representatives, viz:	
		In the quarter ending the 31st of March, 1792 - - -	\$1,191,909 38
		* In the quarter ending the 30th of June, 1792 - - -	3,552,430 25
		* In the quarter ending the 30th of September, 1792 - - -	2,972,759 81
December	31	To the amount of expenditures from the 1st of October to the 31st of December, 1792, agreeably to the Treasurer's accounts rendered for settlement - - -	1,250,592 61
		Balance remaining in the hands of the Treasurer - - -	783,444 51
			<u>\$9,751,136 56</u>

Loans.—Statement A, continued.

		CR.	
1792.			
January	1	By balance in the Treasury, agreeably to the general statement of Receipts and Expenditures, to the end of the year 1791 -	\$973,905 75
December	31	By amount of moneys received into the Treasury from the first day of January, 1792, to this date, viz:	
		For balances due by sundry persons on moneys advanced to them under the present Government - - - -	5,629 88
		For balances due by sundry persons on accounts which originated under the late Government - - - -	4,702 82
		For arms and accoutrements sold to the State of South Carolina, out of the public stores, by direction of the President -	4,240 00
		For amount received for fines, penalties, and forfeitures -	118 00
		For amount received on account of a Loan of \$523,500, made by the Bank of the United States, in pursuance of an act passed on the 2d of May, 1792 - - - -	400,000 00
		For amount of a Loan made by the Bank of North America, without interest, for the use of the Department of War -	156,595 56
		For amount received on account of proceeds of bills of exchange, drawn by the Treasurer, on the Commissioners in Amsterdam - - - -	545,902 89
		For the value of bills of exchange drawn by the Treasurer, on the Commissioners in Amsterdam, for the purpose of effecting a subscription to the capital stock of the Bank of the United States, agreeably to an act passed February 25, 1791	2,000,000 00
		For amount of a Loan obtained from the Bank of the United States, agreeably to the last mentioned act - - - -	2,000,000 00
		For the excess of the first half yearly dividend on the capital stock of the Bank of the United States, held by the United States, beyond the interest payable to the Bank - - - -	8,028 00
		For amount received from sundry supervisors, on account of duties on distilled spirits - - - -	206,942 81
		For amount received from the Collectors of the Customs, on account of duties on imports and tonnage - - - -	3,443,070 85
			\$9,751,136 56

JOSEPH NOURSE, *Register.*TREASURY DEPARTMENT, *Register's Office, January 28, 1793.*

* In the expenditures for the quarter ending June 30, and September 30, 1792, are included warrants to the amount of four millions of dollars, which are drawn for the purpose of effecting the subscription of five thousand shares to the capital stock of the Bank of the United States, and to cover the Loan obtained in consequence thereof; two millions of dollars being drawn to effect the subscription, and two millions for the amount of the Loan; the bills of exchange drawn by the Treasurer, on which these transactions were predicated, have been cancelled at the Treasury.

B.—General account of Income and Expenditure.

		DR.	
		To nett amount of duties on imports and tonnage, and of fines, penalties, and forfeitures, as per account of Receipts and Expenditures, to the end of the year 1791, reported to the House of Representatives the 10th November, 1792 -	\$6,534,263 84
		To amount of moneys which came into the Treasury to the same end of the year 1791, from other sources than the general revenues, as per the same account of Receipts and Expenditures, viz:	
		Total of receipts - - - - -	\$4,771,349 43
		Deduct this sum, received for duties on imports and tonnage, being included in the nett amount above charged - - - -	4,399,472 99
			371,869 44

Loans.—Statement B, continued.

Dr.—Continued.

To product of duties on spirits distilled within the United States for a half year, ending the 31st December, 1791	-	-	-	150,000	00
To product of duties on imports and tonnage, for the year 1792, as estimated	-	-	-	3,900,000	00
To product of duties on spirits distilled within the United States, for the same period, as estimated	-	-	-	400,000	00
To amount of moneys which came into the Treasury during the year 1792, from other sources than the general revenues, as per general account of Receipts and Expenditures, herewith transmitted, marked A, viz:					
Total receipts, (including the balance in cash at the end of 1791,) as credited in said account	-	-	-	\$9,751,136	56
Deduct this sum, which was the balance in the Treasury at the end of 1791, the same being included in the above totals of revenues and receipts for the same period	-	-	-	\$973,905	75
This sum, received of supervisors of the revenue, on account of duties on distilled spirits, being included in the total products above charged	-	-	-	208,942	81
Deduct this sum, received from Collectors of the Customs, on account of duties on imports and tonnage, being also included in the total above charged	-	-	-	3,443,070	85
				<u>4,625,919</u>	<u>41</u>
					5,125,217 15
To proceeds of bills drawn and disposed of upon our Commissioners in Holland, on account of Foreign Loans, as per statement No. 3, reported to the House of Representatives the 3d instant, viz:				2,304,769	13
To which add, for an error in stating the amount of interest which arose on the credit allowed to purchasers of bills, by the Banks of North America and New York	-	-	-	1,000	00
				<u>2,305,769</u>	<u>13</u>
Deduct this sum, included in the receipts into the Treasury to the end of the year 1791, as per account of Receipts and Expenditures, reported to the House of Representatives the 10th November, 1792	-	-	-	361,391	34
Deduct also this sum, included in the receipts during the year 1792, per general account of Receipts and Expenditures herewith transmitted, marked A	-	-	-	545,902	89
				<u>907,294</u>	<u>23</u>
					1,398,474 90
					<u>\$17,879,825 38</u>

Cr.

By amount of expenditures to the end of the year 1791, as per account of Receipts and Expenditures to the end of that year, reported to the House of Representatives the 10th of November, 1792	-	-	-	\$3,797,436	78
By amount of expenditures during the year 1792, as per general account of Receipts and Expenditures herewith transmitted, marked A, viz:					
Total debit side of said account	-	-	-	\$9,751,136	56
Deduct cash on hand	-	-	-	783,444	51
				<u>8,967,692</u>	<u>05</u>
Balance, being the excess of income beyond the expenditure, to the end of the year 1792	-	-	-	5,114,696	50
					<u>\$17,879,825 38</u>

Loans.

The foregoing balance is composed as follows:

1. Of cash in the Treasury, as per general account of Receipts and Expenditures, marked A	\$783,444 51
2. Of cash in the Bank of the United States, and the Offices of Discount and Deposite of New York and Baltimore, per account rendered by the Bank herewith, marked A B	605,883 08
3. Of the proceeds of bills on Amsterdam, remaining in deposite in the Bank of North America, including the sum of \$156,595 56, loaned without interest, which Loan is credited in the general account of Receipts and Expenditures	177,998 80
4. Of the proceeds of bills on Amsterdam, not yet received	614,593 08
5. Uncollected residue of duties on spirits distilled within the United States, viz:	
Total, as estimated	\$550,000 00
Deduct sums received into the Treasury, and credited in account of Receipts and Expenditures, marked A	208,942 81
	341,057 19
6. Cash in hands of Collectors of Customs, per abstract of weekly returns	151,851 25
7. Bonds unpaid at the end of the year 1792, on account of duties on imports and tonnage, and falling due between that time and May, 1794	2,442,069 15
	\$5,116,897 00

NOTES.

Places of deposite of the above mentioned cash, Nos. 1 and 2.

1. Cash, being balance of Treasurer's account:		
Bank of United States, Philadelphia	\$109,169 45	
Bank of North America, do	61,601 30	
Bank of New York, New York	69,019 08	
Bank of Providence, Providence	28,157 87	
Office of Discount and Deposite, Boston	154,860 67	
Do do New York	224,734 51	
Do do Baltimore	73,668 64	
Do do Charleston	63,015 85	
In hands of Treasurer	232 14	
	783,444 51	
2. Cash on account of Foreign bills:		
Bank of United States, Philadelphia	389,348 38	
Office of Discount and Deposite, New York	195,898 96	
Office of Discount and Deposite, Baltimore	20,635 74	
	605,883 08	
	\$1,389,327 59	

3. Of this sum, \$156,595 56 are considered as in deposite, by way of counterbalance to an advance made by the Bank for the use of the Department of War, for the purposes of the act passed the 3d of March, 1791, for raising and adding another regiment to the Military Establishment of the United States, and for making further provision for the protection of the frontiers. It has remained without final adjustment, from a doubt whether the funds, upon which the appropriations which comprehend the surplus of duties to the end of 1791 are bottomed, are fully sufficient. A sum of about \$50,000 must depend on the existence of certain surplusses upon antecedent appropriations, which it is believed will not require the full sums appropriated; but the purposes of those appropriations not being yet finally satisfied, the real state of the business is not yet completely ascertained. An example of this exists in the case of a sum of \$40,000, appropriated for paying off certain specie claims on the Quartermaster's Department, incurred during the late war. It is known that further claims exist, but not to what extent. There are several other cases attended with similar uncertainty. A recent examination leaves some doubt whether warrants can yet safely issue to wind up the transaction.

5. Whether the sum here stated as outstanding be correct, must in a degree depend on the accuracy of the estimated product of the duties. It will be observed that the product, as carried into the statement, was originally fixed by estimation; and even now the materials in possession of the Treasury, respecting a branch of revenue, for known reasons not yet reduced to perfect order, are unavoidably imperfect, and liable to some error. The estimate may exceed or fall short of the reality, and proportionally affect the outstanding balance. But, however this may turn out, it cannot affect the merits of the statement. The excess or deficiency of one side of the account would correspond with a like excess or deficiency on the other. The auxiliary statement, however, marked F, serves to show that there can be no material error in the estimate.

6 and 7. These two items are also liable to some degree of uncertainty. The cash returns of the Collectors not being all received up to the end of the year, and some disbursements which were to be made to that time not having been completed, the amount which was then in their hands cannot be pronounced with precision. The difference, however, which may appear upon a settlement of their accounts, cannot be material. In like manner, as monthly abstracts of bonds up to the end of the year have not yet been received from some ports, and it has been found necessary to supply the deficiency by a comparative estimate, the result may vary somewhat from the fact. But enough is ascertained to pronounce that the difference must be inconsiderable; and, in reference both to the cash and bonds in the hands of the Collectors, whatever difference may hereafter appear, is liable to the same remark as to the merits of the statement, which has been made in regard to the duties on distilled spirits. The differences in both cases must resolve themselves into the circumstance of the estimated amounts of the duties proving greater or less than the real amounts.

TREASURY DEPARTMENT, February 4, 1793.

A. HAMILTON,
Secretary of the Treasury.

NOTE.—Two or three accompanying Tables, not deemed necessary, have been omitted.

Loans.

LOANS.

[Communicated to the Senate February 6, 1793.]

TREASURY DEPARTMENT,
February 5, 1793.

SIR: In pursuance of the first part of the order of the Senate of the 23d of January past, I have the honor to send, herewith, sundry statements, marked A, AB, B, B a, D, E, F, and I beg the permission of the Senate to add the copy of a letter dated yesterday, which served to transmit duplicates of the same documents to the House of Representatives, and which contains some explanations of them, a repetition of which here will be thereby rendered unnecessary. The document C, referred to in that letter, was also sent to the House of Representatives, but being of considerable length, a duplicate is not yet ready; and I did not think it advisable to detain the other papers till it was ready.

The documents now transmitted will answer the whole of the inquiry contained in the first part of the order above referred to, except what regards a distribution of the expenditures under each head of appropriation, which is in preparation, and will be forwarded as soon as it can be ready.

The situation in which I am placed renders further delay absolutely necessary to the fulfilment of the second part of the order.

There is a point in my Letter of the 16th of January to the Senate, concerning which some explanation is requisite. I stated, as one motive to the joint negotiation of the Loans, under both acts, "an intimation from our bankers in Holland that a distinction might prove an embarrassment, being a novelty, the reason of which would not be obvious to the money-lenders." This was done from memory, without recurrence to documents, and in a degree of hurry occasioned by my anxiety for the speedy passing of the Appropriation bill, and, upon a revision, proves to be not accurate. The mistake arose in the following manner: My original idea was, to maintain a separation between the two acts. This will appear from my Letter of the 28th of August, 1790, to our bankers, in which I express a desire that they would endeavor to place part of the first Loan upon one act, and another part upon the other act. But they did not carry this idea into execution, for the reason assigned in their answer, now before the Senate, which is, that the subdivision proposed would, under the circumstances of the case, tend to excite speculations and doubts among the money-lenders.

But, prior to the receipt of their answer, I had made further inquiry, and had reflected more on the subject. The result of my inquiry was, that the money-lenders, having been accustomed to lend on the general credit of the Government borrowing, with a sort of general pledge of its revenues and resources, the attempt to bottom a Loan upon any particular law, might, as a novelty, occasion some hesitation and embarrassment among them, especially as they are known to be a description of men much influenced by habit and

precedent; and the conclusions, from more full reflection, were, that the distinguishing of the Loans with reference to each act, might not only embarrass the business, in the first stages of negotiation, but might interfere with an application of the proceeds of the Loans in the most convenient and beneficial manner, according to circumstances.

On these considerations, I abandoned my original intention, and, in my first instruction to Mr. Short, was silent on the point.

These different positions of the subject in the mind, at different times, and what actually took place with regard to the first Loan, produced some confusion in the recollection of facts, and led me to assign as a cause what had been only a collateral circumstance, and to ascribe to the bankers intimations, or rather information, which I had received from other quarters.

I submit this explanation of the matter to the candor of the Senate, and have the honor to be, with perfect respect, sir, your most obedient servant,

ALEXANDER HAMILTON.

The VICE PRESIDENT of the
United States and President of the Senate.

TREASURY DEPARTMENT,
February 5, 1793.

SIR: By order of the President of the United States, I have the honor to transmit, herewith—

1. Copies of a power given by him to the Secretary of the Treasury for the time being, dated the 28th of August, 1790, for the negotiation of the Loans authorized by the laws of the 4th and 12th of August, 1790, and of certain instructions relative thereto, dated on the same day.

2. Copies of an authority founded upon the power of the President from me to William Short, Esq., dated the 1st of September, 1790, and of sundry letters from me to the said William Short, of dates from the 29th of May, 1790, to the 31st of December, 1792, inclusively, relating to the negotiation and application of the above-mentioned Loans.

3. Originals of sundry letters from William Short to me, under dates from the 2d of December, 1790, to the 2d of November, 1792, inclusively, relating to the same subject.

4. Copy of an authority from me to Messrs. Wilhem and John Willinks, Nicholas and J. Van Staphorst, and Hubbard, bankers of the United States at Amsterdam, dated the 28th of August, 1790, relating to the first of the Loans made under the above-mentioned acts, and copies of sundry letters to the said bankers, of dates from the 28th of August, 1790, to the 31st of December, 1792, inclusively.

5. Originals of sundry letters from the said bankers to me, of dates from the 25th of January, 1790, to the 5th of November, 1792.

6. Copies of sundry letters, of dates from the 18th of June to the 24th of September, 1792, inclusively, between G. Morris and W. Short, Esqs., having relation to the above subjects.

The general power from the President to the

Loans.

Secretary of the Treasury, of the 28th of August, 1790, and the communications from William Short, Esq., who has been the only Commissioner, would, it is presumed, have fulfilled the terms of the resolution of the Senate of the 23d of last month, and are transmitted, pursuant to the request contained in that resolution.

But the President has been pleased to direct the transmission of the other documents also, in the supposition that they will serve to throw light upon the general subject of that resolution.

With perfect respect, I have the honor to be, sir, yours, &c.,

ALEXANDER HAMILTON.

Secretary of the Treasury.

The VICE PRESIDENT of the
United States and President of the Senate.

[NOTE.—Of the papers referred to in this Report, none are now to be found, except those published by the Secretary's second Report, of the 13th February, 1793.]

LOANS.

TREASURY DEPARTMENT, *February 13, 1793.*

SIR: The next most important article of inquiry involved in the resolutions of the House of Representatives of the twenty-third of January last, and in the observations which have been made respecting the conduct of this Department, relates to the Loans negotiated under the acts of the 4th and 12th of August, 1790.

The papers which have been transmitted to the House by order of the President, disclose the following particulars—

I. That the immediate superintendence of the business of the Loans was confided to the Department of the Treasury, being naturally connected with it. This trust, besides the original instructions for regulating the execution of it, which have been communicated, was of course subject to such directions from time to time, as the President should think fit to give, or as occasion should require. A considerable latitude of discretion, nevertheless, from the very nature of the case, attended it; so as justly to leave on the head of this Department a complete responsibility in all instances, where special exceptions do not appear.

II. That the first Loan which was obtained, was undertaken and completed by the agency of Wilhem and Jan Willink, and Nicholas and Jacob Van Staphorst, and Hubbard, who, both under the former and present Government, have been and are the bankers of the United States at Amsterdam.

III. That with the single exception of the first Loan, William Short, Esq., then *Chargé des Affaires* at the Court of France, now resident Minister at the Hague, was constituted the sole agent of this Department, for carrying into effect the powers confided to it; with this qualification only, that if any negotiation with a Prince or State, to whom any part of the Debt to be discharged by the Loans, was due, should be requisite, the same

was to be carried on through the person who in capacity of Minister, *Chargé des Affaires*, or otherwise, then was, or thereafter might be charged with transacting the affairs of the United States, with such Prince or State.

IV. That all payments, which have been made out of the proceeds of the Loans, have been made by the immediate and special order of Mr. Short, except those, upon the bills of the Treasurer for the moneys drawn to this country, and those to the money-lenders in Holland; which were made in course by our bankers, at the periods they respectively became due. This consequently embraces all the payments to France; the very last of which, though agreed for by Mr. Morris, in consequence of his having been employed for a special purpose by Mr. Short, was not, and could not, be completed, but by the same immediate and special direction of Mr. Short.

It moreover appears, from the same papers, and more fully from the correspondence at large, now before the Senate, that except in the particular instance which has been just stated, with regard to Mr. Morris, there has been no other agency in the whole business, than that of Mr. Short, and of the bankers at Amsterdam and Antwerp, whom he necessarily employed as instruments in the negotiations with the money-lenders, and in the receipt and disbursement of the moneys borrowed. These, as already mentioned, were, at Amsterdam, the two houses of Wilhem and Jan Willink, and of Nicholas and Jacob Van Staphorst and Hubbard; at Antwerp, a Mr. G. De Wolf was the banker.

It may not be without its uses to add, that the moneys proceeding from the Loans, have constantly remained in the hands of the respective bankers, till they have been paid over to the creditors; namely, the French treasury, or their bankers, the money-lenders or their representatives, the holders of the bills drawn from this country by the Treasurer. Neither Mr. Short nor Mr. Morris has ever had possession of a single guilder. The latter, indeed, has never even had power over one, excepting merely a sum of 105,000 guilders, by letters of mine, dated the 13th September last, placed at his disposal for paying at Paris, according to stipulation, the interest on the Debt due to foreign officers. The fact is, and it is so demonstrated by the correspondence already referred to, that I never wrote a line to Mr. Morris on the subject of the Loans or their proceeds, but in reference to the case just mentioned of the interest payable to foreign officers, in respect to which, local situation governed.

One more circumstance only is necessary to be noticed in this place, with a view to the elucidation intended. It is this: that the last payment, though originating prior to the change in the political position of France of the 10th of August last, not having been consummated until the 6th of September following, fell of course under the disposition of those then in possession of the power of the nation.

It could not but have been unexpected to me, that exception should be taken to the Report lately

Loans.

made by me on the subject of Foreign Loans, for the omission of details which I did not at that time, and do not yet, conceive, to have been called for, by the terms of the resolutions upon which it was founded. The request addressed to the President, by those resolutions, was, that he would cause to be laid before the House a particular account of the sums borrowed under his authority by the United States, the terms on which each Loan was obtained, the applications which had been made of the moneys, agreeably to appropriations, the balances, if any, which remained unapplied, specifying also, at what times interest commenced on the several sums obtained, and at what times it was stopped by the several payments made. It was not natural to imagine that these expressions were designed to comprehend a specification of the precise authorities, under which the Loans were negotiated, of the names of the persons by whom they were negotiated, of the particular place or places, where the balance unexpended of the sums that had been drawn for to the United States, were deposited. Still less natural was it for me to anticipate surmises, which could give to such particulars the shadow of importance. But as animadversions have attended the omission of those details, I ought to regard it as an admonition to me, to be more full and precise in my present communication; a motive which co-operates with my desire, to throw all possible light upon the subject.

The first general circumstance, which requires to be noticed and explained, after the particulars that have been communicated, is this: that all the Loans which have been hitherto obtained, have been made under the authority of both acts, without particular reference to either.

The idea originally entertained, was to conduct them on a different plan, founding each Loan upon one or the other of the acts, as will be seen by my letter of the 28th of August, 1790, to our bankers at Amsterdam; at the same time, that it will appear, from the same letter, that the separation did not appear to me a matter of consequence, and that I anticipated the possibility of a difficulty in adhering to it in the particular case. That difficulty, proved in the opinion of the bankers, to be of sufficient moment to render the arrangement contemplated, under the circumstances of the case, unadvisable, as they inform me in their answer to the abovementioned letter.

But prior to the receipt of that answer, further inquiry and reflection had determined me to abandon my original idea, as likely to produce embarrassment and inconvenience, both in the negotiation of the Loans, and in the application of their proceeds. It was accordingly concluded to let the Loans proceed indiscriminately, upon both acts.

These Loans were to have reference to two purposes; first, the reimbursement of the Foreign Debt; second, the purchase of the Domestic Debt at its market price.

There were weighty reasons for carrying on both these operations concurrently. The arrears to France had been a considerable time accumul-

ing. It was in every sense proper that a reimbursement of them should begin without delay, and desirable for obvious reasons, that it should go on without any very considerable chasms or intermissions. This manner of proceeding could not but have the fairest chance of being the most satisfactory and convenient to France; unless, indeed, the business were to have proceeded upon the principle of an entire postponement of the domestic object, to that of the reimbursement.

But very cogent reasons rendered this course not the most eligible. The early commencement of purchases of the Debt was a matter of real and great importance.

It was important in two relations; as it regarded the advantages to the Government, from redeeming a portion of the Debt at low prices; and still more, as it regarded the savings to the country from raising the price of stock on foreign purchasers; the beneficial influence upon the credit of the nation abroad and at home, to be expected from a quick appreciation of the public obligations; the benefit to the public creditors in general, and to the most meritorious classes of them in particular, which would result from the same cause; all which objects were suggested from the Treasury, as motives to the provision respecting purchases, and are evidently contemplated in the preamble of the act which makes that provision.

Exclusive of the other advantages which have been cited, and which are of a nature truly precious and important, that of preventing foreigners from acquiring the property of our citizens at a great under-value, is too obvious not to be estimated, as it ought to be, at first sight. It cannot require argument to show how great an evil it was, that foreigners should be able to acquire with nine or ten, that for which the country would ultimately have to pay them twenty, with full interest in the interval; nor how much it merited the attention of the Government to prevent or lessen so serious an evil.

But the influence which the purchases by the Government may have had upon this event may not be equally obvious. It is, however, not difficult to be traced. Price naturally keeps pace with competition and demand; whatever increases the latter, necessarily tends to an augmentation of the former. Merely then as another purchaser, by adding to the competition and demand, the purchases of the Government were calculated to influence a rise of price. But they had an effect more than proportioned to their extent. Imagination has much to do in all such questions, and in scarcely anything so much as in what relates to public funds. Experience proves, that it is here exerted with uncommon effort. The appearance of the Government as a purchaser has not failed to excite the expectation of a greater demand than was real, because the extent of the resources to be employed might be very great, and was unknown; which, by stimulating the zeal of those who wanted to buy, lest the price should rise suddenly and considerably upon them, and by encouraging those who wanted to sell, under the hope of a better price, to hold back the commodity, has in both ways gene-

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rally contributed to give a spring to the market. Prices once raised, when founded on intrinsic value, tend to maintain themselves; because those who have given them, are for the most part interested in keeping them up. And every new impulse, which they receive, serves to carry them rapidly to their just level.

Those who have been most attentive to the operation of the public purchases, will have the least doubt that they had a material agency in accelerating the appreciation of the public stock.

An inquiry naturally arises here. Were the moneys which were drawn from Europe on account of the Foreign Loans, the instrument of the purchases, to which these beneficial effects are ascribed?

I answer, that these purchases are to be attributed to the instrumentality of that fund; that had it not been for this resource they could not have been made at the early periods when most of them were made. The course of the transaction will be fully, and with more propriety, explained in another place.

An attention to both objects—to the reimbursements to France, and to the purchases of the Debt, rendered expedient a subdivision, even of the first Loan. Considerations of the moment seconded those of a general nature, to induce an immediate payment to that country. The Loan had been undertaken without previous authority from hence, with a view to such payment. This was known, and a correspondent expectation excited. The immediate situation of the French finances rendered a payment at the particular juncture more than ordinarily interesting. In such a state of things, there could be no hesitation about applying a large part of the Loan to that object. Another part of it was, of necessity, applied to the payment of the sums that were falling due on the Dutch Loans. And it is presumed that the reasons which have been assigned, will appear to have been sufficiently powerful to have dictated the drawing of a part of it to the United States.

Accordingly, a million and a half of the three millions borrowed, were appropriated to France, something more than eight hundred thousand guilders were drawn for here, and the remainder of the Loan was left to be disbursed in Holland.

It shall not be concealed, though I am aware that the acknowledgment may be a subject of criticism, that the conduct which was pursued, both with regard to this and to the succeeding Loan, was in some degree influenced by a collateral consideration. The Government had but just adopted a plan for the restoration of public credit. The periodical payment of interest was to commence on the 1st of April, 1791. A considerable part of the revenue, out of which the moneys were to arise, was only to begin to accrue on the first of January preceding. This revenue was liable to credits of four, six, and twelve months.

How far its eventual product would answer expectation—how far the punctuality of payments could be relied upon—were points unascertained, and which required to their ascertainment much more experience than had been obtained. In such

a situation, it was not only natural but necessary for an Administrator of the Finances to doubt; and doubting, it was his duty to call to the aid of the Public Credit every auxiliary which it was in his power to command. He was bound to reflect, that a failure in any stipulated payment would be fatal to the dawning credit of the country—to the reputation of the Government—just beginning to rise. That a wound inflicted upon either, at so early a stage, under all the circumstances of opposition to the Constitution, which had existed in the community, would have been deeply felt, and might either not have admitted of a cure at all, or not till after a length of time, and a series of mischiefs; that it could not but be an important service rendered to the country to ward off so great a misfortune by the temporary use of any extraordinary resource, which might be at hand, till time was given for more effectual provision.

If, in the course of such reflections, a doubt had occurred about the strict regularity of what was contemplated as a possible resort, a mind sufficiently alive to the public interest, and sufficiently firm in the pursuit of it, would have dismissed that doubt as an obstacle, suggested by a pusillanimous caution, to the exercise of those higher motives, which ought ever to govern a man invested with a great public trust. It would have occurred that there was reasonable ground to rely that the necessity of the case, and the magnitude of the occasion, would insure a justification; and that, if the contrary should happen, there remained still the consolation of having sacrificed personal interest and tranquility, no matter to what extent, to an important public interest; and of having avoided the humiliation which would have been justly due to an opposite and to a feeble conduct.

The disposition which was resolved upon, with regard to the first Loan, involved, necessarily, a decision of the point, that the Loans might be placed on the joint foundation of both acts. That Loan having been undertaken, as already mentioned, without previous authority, and consequently without a particular eye to either act, it was probable that it would be found too late to make an apportionment of one part of the sum borrowed to one act, of another part to the other act. In that case, the distributive application of the fund to the different objects was to be relinquished, or the possibility was to be admitted, of the Loan being left to stand upon the authority of both acts. The same disposition of the first Loan will also illustrate the convenience and expediency of the plan which was finally adopted; that is, of placing the Loans on the basis of both acts.

The idea of a concurrent execution of both the objects to which the Loans were destined, could not conveniently have been pursued upon the plan of a separation of the Loans; which, to be effectual, would include the strict application of the proceeds of each to the purposes of the particular act upon which it was founded.

Amsterdam was naturally looked to, as the great scene of the intended Loans. There, as everywhere else, there is but a certain quantity of money floating in the market, from time to time, beyond the

Loans.

necessary demands of trade and industry, seeking for employment in Loans. This quantity, of course, varies at different periods, from a variety of causes. Of the quantity at any time afloat, but a certain proportion can be commanded by any one-borrowing Power, owing to the competition of other borrowers, who have each their connexions, through their bankers, with different sets of undertakers. Nor is it always that considerable Loans can be had at any rate. There are certain seasons only when they are practicable.

To have brought two Loans upon the market at one time, as an opportunity of borrowing offered, which must have been the case, in order to make concurrent provision for both the objects in question, if the principle of a separation of the Loans had been adopted, would have been to exhibit to the money-lenders a very unusual appearance. With men known to be much influenced by precedent and habit, such an appearance could not have failed to prove a source of speculation and conjecture; and might have led to a confused idea that the wants of the United States were excessive; a supposition by no means calculated to promote their credit. It would, moreover, have been a departure from that simplicity of procedure which, where numbers are concerned, is always of moment to a right conception of the business to be accomplished, and ought not to be abandoned, but for reasons of real utility and weight.

To have instituted the Loans successively, founding each upon one or the other of the acts, would have had a tendency to occasion longer intervals between the payments to France than was desirable. The intervention of a Loan for the purpose of purchases would have created, of course, a very considerable chasm. It may be objected, that such chasms did happen on the plan which was pursued. This is true in two instances, but the most material of the two proceeded from casualties foreign to the plan itself, which are detailed in the correspondence more than once alluded to.

It is possible, too, that a separation of the Loans might have rendered it less easy to take advantage of a state of the market, favorable to their extension at a particular juncture. The Loan to be brought on the market might relate to the purchase of the Debt. The moment might be favorable to a more considerable Loan than was within the limits prescribed for that object, and the opportunity might slip before a second could be instituted. In this business moments are often of importance, and are to be embraced with promptitude and dexterity.

Thus it appears that, in different ways, the negotiation of the Loans might have been embarrassed by their separation.

But the most obvious, if not the most serious of the inconveniences which would have attended it, respects the application of the sums borrowed. This could not then have been moulded, as the interest or policy of the Government might dictate. A Loan for the purchase of the Debt might have been made under prospects promising a ready and beneficial investment of it; but, before the investment was made, a change of the market

might render it ineligible—involving the alternative, either of a disadvantageous investment, or of leaving, perhaps, a large sum of money a long time unemployed. Such a state of things might have produced to the banks an advantage, and to the Government a loss of magnitude, sufficient to give color to a surmise, that the public interest had been sacrificed to the profit of those institutions. The contrary course has essentially avoided that evil; which, in this and in other instances, would have been incident, in a far greater degree, to the modes of proceeding, contrasted with those that have been pursued, than has in reality attended them.

Or political considerations might have rendered it advisable to transfer the application of the fund from one object to the other.

Of this, the case of St. Domingo presents an example. It might have happened on the plan of separate Loans, that there was no fund in hand but for the purchase of the Debt. Then, on the principle of that plan, there would have been no fund in the disposition of the Executive, applicable to the other object, which would have embarrassed the performance of a duty towards a friendly Power, and in a way which included the positive advantage to the country of paying directly a part of its Foreign Debt, in its own productions.

Such were the embarrassments avoided, and such the conveniences secured, by the plan of making the Loans indiscriminately, upon the authority of both acts.

In the opposite plan, I can discern no counterbalancing advantage nor convenience.

Consequently, if both are equally legal, there can be no doubt which of them ought to have been preferred.

If there be any want of legality in the plan which has been pursued, I was not at the time, and am not yet, sensible of it.

I know of no rule which renders it illegal in an agent, having from the same principal two authorities to borrow money, whether for one or different purposes, to unite the Loans he may make upon the foundation of both authorities, provided the terms of them be consistent with both or either of his commissions. If the purposes are different, it will be incumbent upon him to take care that the application of the moneys borrowed makes the proper separation, and, doing this, he will have fulfilled his trust. To test this position, it seems only necessary to ask, whether the principal, in such case, would not be fully bound to the lenders?

In reflecting originally upon the regularity of the proceeding meditated, there was but one source of hesitation—the difference in the funds upon which the Loans were to rest. But the following reasoning satisfied the scruple: The pledging of particular funds is for the security of the lenders. If they are willing to waive the special security by lending on the general credit of the Government, or to dispense with the preference of one fund to another, where two are pledged, by lending indiscriminately on the credit of both, the one or the other circumstance must be alike indifferent to the Government. The authority will have been well

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executed, to the extent necessary for public purposes, and if any thing remains unexecuted, it will be in enlargement, not in abridgment of the public rights. It is, however, presumed that the practical construction in the present case will be, that the two funds pledged will constitute an aggregate for the joint security of the moneys borrowed upon both acts.

The second general circumstance respecting the Foreign Loans negotiated under the acts of the 4th and 12th of August, which requires attention, relates to the terms on which they have been obtained. These, it appears, have been represented as neither honorable nor advantageous.

The following facts, witnessed by the correspondence before the Senate, more than once referred to, and well known to all who have had opportunities of information, demonstrate that the terms of those Loans have been both honorable and advantageous:

1. There is not one of them, which originated under the acts, that was not effected upon conditions equally favorable with those attending the Loans of the cotemporary borrowing Powers of the most tried resources and best-established credit, and more favorable than were obtained by some Powers of great respectability.

2. The United States took a lead in the market in regard to the subsequent reductions of interest, having had either earlier or more complete success than any other borrowing Power.

3. From a rate of five per cent. interest and four-and-a-half per cent. charges, which marked the level of the market when they began their Loans, they, in the course of a single year, brought down the terms to four per cent. interest and five per cent. charges; that is, from an interest on the nett sum received (including an indemnification for charges) of 5.5012, something more than five-and-a-half per cent., to an interest on the like sum of 4.4951, something less than four-and-a-half per cent.

When this state of things is applied to a Government only in the third year of its existence, and to a country which had so recently emerged from a total derangement of its finances, it would seem impossible to deny that the issue is not only honorable but flattering; unless, indeed, it can be denied that a sound and vigorous state of credit is honorable to a nation.

I forbear a comparison between the Loans of the present and of the former Government of this country, because an immense disparity of circumstances would render it an improper one, further than to take notice of a very great error which has been upon some occasions advanced. It has been alleged, to disparage the management under the present, that the Loans of the former Government, in a situation comparatively very disadvantageous, have been effected upon equal terms; and in proof of this an appeal has been made to the Loan of 2,000,000 of guilders, at four per cent., which is that of the 9th March, 1784.

Nothing can manifest more clearly than this the very precipitate and superficial views with which suggestions on important public subjects

are sometimes made. The last four per cent. Loan obtained under the existing laws, including charges, is a real four-and-a-half per cent. Loan, or, more exactly, a 4.4951 per cent. Loan. The four per cent. Loan of March, 1784, is a real 6.6468 per cent. Loan. The difference, which exceeds two per cent., arises principally from extra premiums and gratifications which were allowed upon this Loan, and which are unknown to the other.

Much praise is no doubt due to the exertions which effected the Loans under the former Government. A superiority of merit shall readily be conceded to them, from the circumstances under which they were made, and their signal utility in the Revolution. But it is not necessary to their eulogium to affirm that they were made upon equal terms with those of the Loans lately obtained, or to deny the goodness of the terms of the latter. Truth will not justify the one or the other.

The facts which have been stated prove that the terms of the Loans are advantageous as well as honorable. They are comparatively advantageous, because they are as moderate as other Powers in the best credit have allowed; and they are absolutely advantageous, because the highest real not nominal rate of interest which has been given does not exceed 5.5012, a fraction more than five-and-a-half per cent., while the lowest real rate is 4.4951, a fraction less than four-and-a-half per cent.

If the question whether advantageous or not be tested by the purposes for which the Loans have been made, the conclusion is equally in their favor. The payments on account of the Foreign Debt were an indispensable obligation. Unless it can be shown that they might have been derived from another and more advantageous source, it will follow that it was the interest of the Government to avail itself of the resource which has been employed, because it was its duty to discharge its obligations.

It is sometimes urged that Foreign Loans, for whatever purpose, are pernicious, because they serve to drain the country of its specie for the payment of interest, and for the final reimbursement of principal; that it would be preferable, for that reason, to procure Loans at home, even at a higher rate of interest.

To this, several answers may be given, some of a special, others of a general nature.

In reference to the reimbursement of the Foreign Debt, it may be observed, that, as a Debt had already been incurred abroad, upon which interest was payable, the contracting of new Loans there for the reimbursement of that Debt would leave us, as to the demand for the exportation of our specie, just where we originally stood. Moreover, if the money could have been borrowed at home for that reimbursement, the remittance of it would have been ruinous to the country. The mere necessity of remitting could not alone have increased the foreign demand for our commodities, so as to deduce from an extra exportation of them the requisite means of payment; and if our specie was to perform the office, the country would speedily

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have been exhausted to a degree inconsistent with the support of its commerce and industry. The quantity of coin in the United States has never been considerable enough for such an operation.

But this very state of things would have rendered the procuring of the money from domestic resources impracticable. These, it may be safely affirmed, are too limited for extensive Loans of any considerable degree of permanency.

In the last place, the expedient of Domestic Loans would not prevent the evil which is desired to be prevented. Foreigners would either in the first instance bring their moneys to subscribe them to the Loans, or they would afterwards purchase the stock arising from them, and, in either case, they would equally draw away the money of the country on account of their interest and principal. The only consequence of giving a disproportionate rate of interest for Domestic Loans would be that our specie would be carried away so much the faster.

Experience having shown that nations sometimes pay more regard to their external than to their internal credit—this consideration co-operates with reasons of convenience to induce moneyed men abroad to be content with a lower rate of interest, stipulated to be paid in their own country, than if the place of payment be in another country; making even a greater difference than is an equivalent for the expense and risk of obtaining remittances.

The clear inference from these observations is, that, with regard to the reimbursement of the Foreign Debt, no other expedient than that of Foreign Loans was practicable or eligible.

The utility of that part of the Loans which has reference to the purchase of the Debt has already been explained in certain views. So far as their agency has been hitherto concerned in that operation, it is a sufficient demonstration of the advantage of the measure to state that the sum invested in purchases up to the period of the last Report to Congress has redeemed what is equal to an annuity of 6.15 per cent., including also the advantage of sinking a capital more than fifty per cent. greater than the sum expended.

A valuable profit will arise from the investment of the sums on hand, either in a payment to the Bank or in the purchase of stock. The liberation of an annuity of six per cent. can be secured, while, upon a great part of the fund which is to effect it no more than four-and-a-half per cent. is payable, and less than five-and-a-half upon the other part. The mean of these rates being five per cent., an annual saving of one per cent. may be effected, which, upon \$2,000,000, interest at five per cent., is equal to a capital or gross sum of \$400,000—an item certainly of no inconsiderable consequence.

Against the advantages which are claimed in favor of the Loan, it is natural to place the loss of interest incident to the delays which have attended their application to the purposes for which they were obtained. This leads to an examination of the cases of delay, their causes, the circumstances, if any, which counterbalance them.

There are three instances of material delay—
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one respecting the first Loan, another the second Loan, and a third a part of the two last Loans.

The first Loan, it will be seen, was not applied till a considerable time after its commencement. It has been already intimated that it was undertaken without previous authority from this country. The motives to the measure are detailed in a letter from our bankers of the 25th of January, 1790, a copy of which accompanies the communications herewith made by order of the President. A regard to those motives led to an acceptance of the Loan. Nor could it have been deemed an unfortunate circumstance that such an auxiliary to the operations of the Treasury had been previously prepared.

The laws authorizing the Loans passed the 4th and 12th of August. As early as the 28th of that month, the acceptance above mentioned was communicated, and the application of 1,500,000 florins, in a payment to France, directed. So far, no time was lost, more than could not have been avoided.

But the bills for the sum to be brought here were not drawn till some months after. This proceeded from an unwillingness to risk the public credit, by drawing before there was a certainty of funds to answer the drafts. It was not impossible that the great delay which had attended the passing of the law for borrowing might have led the bankers to come to some arrangement with the money-lenders for surrendering the moneys paid in and terminating the Loan. Independent of this source of apprehension, they had expressed themselves, in their letter communicating the step they had taken, to this effect: "To spare the United States all possible advance of interest, while the money shall remain unappropriated, we shall issue the receipts at the option of the buyers to take them so late as they please; on the expectation the three millions would be placed in a few months." This, though it announced an expectation that the moneys would be paid in in a few months, did not render the event certain. And as the bankers appeared, from that precaution, to have adverted to the idea of saving the United States an advance of interest, it was supposable that they might have found means still farther to procrastinate the payments, or a considerable part of them, till they had received a confirmation of the Loan. This policy would have been the more natural, as they risked the loss of interest themselves, if the transaction should not have been finally ratified.

Under such circumstances, I thought it most prudent to defer the drafts until advice was received of the actual progress of the Loans. There was no room to hesitate between the loss of a small sum in interest and the danger of committing the public credit by a premature operation.

The second case of delay relates to the second Loan. It was occasioned by a determination to suspend the orders for its application till information was received of its having been contracted for. One motive to this determination has been already intimated, namely, the yet untried and immature state of our fiscal arrangements. The

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general reasoning on this head was strengthened by an occurrence altogether unlooked for, which disclosed itself on the 23d of August, 1790, eleven days after the rising of Congress—an occurrence which they had not contemplated in their pecuniary dispositions. I allude to the commencement of an Indian war, which was announced in a Letter from Governor St. Clair, dated on the above-mentioned day, the progressive extent and consequences of which could, of course, not be foreseen. Under such circumstances, I judged it for the public interest and safety to hold the resource which the prospect of a Loan presented under the power of the Treasury till advice should be received of the actual institution of the Loan, with intention then to dispose of it as should appear advisable, under a better matured view of our pecuniary situation and prospects.

Hence the delay which attended the application of the second Loan; the first in fact that originated subsequent to the laws for borrowing. But after advice had been received of its having been set on foot, no time was lost in converting it with due despatch to its proper uses. There was only, not an anticipation of its application. As early as May 24th, 1791, I wrote a letter to Mr. Short (a copy of which is in possession of the House) empowering him to apply the proceeds of all future Loans, as they should accrue, in payments to France; except as to such sums as therein were, or afterwards should be previously and specially reserved. This arrangement was calculated to obviate the inconvenience of leaving the proceeds of the Loans, for any considerable time, unemployed. At the period of making it, and not sooner, the public prospects appeared to me sufficiently unfolded, to render a general and permanent disposition free from hazard. This instruction preceded in due season all the Loans subsequent to that of March, 1791.

Whatever delay, therefore, may have attended succeeding investments for paying the French Debt, is not attributable to this Department. And I think it will not appear, that any has been incurred, in respect to the sums which were destined for the public service here. In judging of this point it will be proper to observe, that a latitude of six months, for making their payments, has been reserved to the money-lenders, though with liberty to make them earlier. It was, however, necessary for the Treasury to regulate its bills according to the possible delay, lest they should not meet adequate funds. The general policy adopted was to let them fall upon the rear of each Loan; this giving a freer course for early payments to France, and best conciliating a certainty of funds for answering the bills, with as little double interest as possible.

It will appear, that notwithstanding the arrangement which was made, a considerable time intervened between the two last payments to France, while there were funds in hand waiting for employment. It may be expected, that the causes of this procrastination, though as I have said not imputable to this Department, should be unfolded to the House. Particular circumstances, however, induce me to confine myself to stating generally,

that the delay proceeded, in the first place, from expectation given to Mr. Short, and kept up from time to time by the French Minister of Marine, that a plan would be adopted, to which a decree of the National Assembly was requisite, for converting a large sum into supplies for St. Domingo, which Mr. Short concluded justly must come out of the Foreign Fund, and consequently suspended its application in Europe. In the second place, from a desire to settle, previously to further payments, a definitive rule, by which the moneys paid, should be liquidated and credited to the United States.

Both the one and the other appears to have been procrastinated from period to period, by the disordered state of French affairs, and to have finally issued contrary to expectation. It would be an unnecessary commitment of my opinion to declare, how far the delay appears to me to have been justified by the causes. But, being led by the occasion to take notice of it, I think it improper to send it abroad, liable, perhaps, to misconstruction, without observing that the inducements appear to me, to have been weighty; that the delays naturally grew out of the circumstances, and that I am entirely persuaded of the goodness of the motives which governed. The correspondence before the Senate contains the particulars of the transaction.

Having pointed out the instances of material delay which happened, and the causes of them, it remains to state what circumstances there are to counterbalance the loss on that account.

These circumstances are of two kinds.

1. Gain by exchange in the sale of the bills drawn by the Treasury and upon the higher rate of interest on the credits which were given for those bills, than was payable on the fund upon which they were drawn.

2. Gain by exchange on the payments to France. According to my calculation, founded on the best information extant, the real par of the metals between the United States and Amsterdam, makes a current guilder equal to 35-99-100 ninetieths of a dollar. The lowest rate which has been obtained for the bills has been 36 4-11 ninetieths, with an allowance of sixty days credit without interest. Making a deduction for the interest the bills were still sold above the true par. In some instances they have been sold as high as forty cents and seven mills per guilder, with interest for the whole term of the credit given.

The rate of interest for the credits allowed upon the bills was six per cent, the mean interest paid upon the fund five per cent. producing consequently a gain of one per cent.

With regard to the payments to France, if the current rate of exchange between Paris and Amsterdam at the moment of each remittance or payment were to govern, a large profit would result to the United States. But certain equitable considerations will produce deductions, which will greatly lessen this advantage; yet, making a liberal allowance for them, there is ground to calculate that a saving may be made in this particular, more than sufficient to indemnify for the loss of interest. Hence, any positive advantage which will have

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been otherwise gained, will probably be undiminished by that circumstance.

I proceed, in the next place, to state the views which prevailed respecting the sums that have been from time to time drawn for; the purposes they have hitherto answered, and the further advantages to be expected from the measure.

The direct object of all the sums drawn for prior to July, 1792, was the purchase of the Debt. A collateral consideration, which operated in the first stages of drawing, has also been mentioned. It has likewise been stated, that the early purchases of the Debt are to be ascribed to the instrumentality of the fund derived from the Loans. This idea shall now be explained.

Two mistakes appear to have influenced the impressions which have been entertained in relation, directly or indirectly, to this subject.

1st. It seems to have been all along forgotten, that a considerable part of the duties is always outstanding, on account of the credits which are given; whence the assertion, that the Sinking Fund has continually overflowed from domestic resources.

2d. It seems to have been taken for granted that the proceeds of the Loans have remained apart, distinct from the mass of the money in the Treasury; while in truth the course of the business has been to turn them over to the Treasurer by warrants as they have been received, so as to form a part of the aggregate, from time to time appearing in his hand and in his accounts. The Banks have been the agents employed for selling the bills, sometimes warrants on account have issued upon them, from the sums accruing from the sales, at other times the warrants have been deferred till the whole proceeds of any parcel have been received, and the accounts of the Bank settled at the Treasury, as the state of the Treasury has happened to render the one or the other most convenient.

The Banks of North America and New York were the agents for the sale of all the bills, which were sold prior to April, 1792, amounting to \$1,006,626 36. Of this sum \$361,391 84 were passed over to the Treasurer in 1791; \$397,136 22 in March, 1792, and \$140,000 in June following; the residue having remained as heretofore stated, in deposit with the Bank of North America, upon a special consideration. This is exclusive of certain bills furnished for the use of the Department of State, amounting to \$78,766 07.

The remainder of the bills which have been sold, beginning in April, 1792, were sold by the Bank of the United States and its branches at New York and Baltimore. The accounts of the sales had just been made out for settlement, when the present inquiry began, but warrants had not yet issued for placing the proceeds in the Treasury. It will be remarked that, from the terms of credit allowed, they only began to be receivable in October last; the 26th day of which month the first return made by the Bank shows a sum of \$127,225 53 received; and that the collection had not been completed when the accounts of the sales were rendered.

These are different views of the subject, which

will enable the House to perceive that the possession of the fund in question was necessary to enable the Treasury to furnish the means of making all the purchases which were made prior to July, 1792.

It is true, that there was a surplus of revenue to the end of the year 1790, equal to \$1,374,656 40, which was appropriated to purchases of the Debt; and from the credits then given upon the duties, this surplus would naturally come into the Treasury in the course of the year 1791.

But the Legislature, foreseeing that the revenue of 1791, from the same cause, could not actually be in the Treasury, within that year, to face the appropriation upon it, (which if it is to be observed were nearly commensurate with the fund,) inserted a clause in the law, appropriating the surplus of 1790, to the purchase of the Debt, which authorized a reservation of so much of that surplus as might be necessary to make the payments of interest during 1791, in case of a deficiency in the receipts into the Treasury, on account of the current revenue of the year.

It will appear to the House, upon a recurrence to the Treasurer's quarterly account, ending the 30th of September, 1791, that the balance of cash then on hand was \$662,233 99.

At that time there had been paid into the Treasury, upon warrants, from the proceeds of the bills drawn upon the Foreign Fund \$361,391 34. Consequently, the balance of cash, had it not been for that auxiliary, would have been only \$300,842 65, considering the whole balance in the Treasury as representing an equal sum of the proceeds of the bills.

Even in a time of complete peace, in a country where a small extent of moneyed capital forbids a reliance upon large pecuniary aids to be suddenly obtained, a prudent administrator of the finances could not feel entirely at ease, with a less sum at all times in the certain command of the Treasury, than \$500,000, for meeting current demands and extra exigencies, which, in the affairs of a nation, are every moment to be expected. But with a war actually on hand, and a possibility of its extension to a more serious length, he would be inexcusable, in leaving himself with a less sum at command; unless from an impracticability of doing otherwise. It would be always his duty to combine two considerations—the chance of extra calls for money, and a possibility of some failure in the receipts which were expected. Derangements of various kinds may happen in the commercial circle, capable of interrupting for a time the punctual course of payments to the Treasury. It is necessary to a certain extent to be prepared for such casualties.

But during the year 1791, there was a circumstance which operated as an additional reason for keeping a respectable sum always on hand. The Loans of the Domestic Debt were going on till the last of September of that year, while at the same time, the interest was in a course of payment. It was, therefore, always uncertain what sum would be payable at the end of a quarter; this depending on the eagerness or backwardness of the public

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creditors in bringing forward their subscriptions, or their claims as non-subscribers. The omissions, at the end of a preceding quarter, might be expected to fall on a subsequent one, and it was necessary to be prepared for that possibility; of course to keep in hand a larger sum for contingent demands. This necessity extended to the termination of the period for receiving subscriptions, because the Treasury was to be prepared on the supposition that the whole of the Domestic Debt would then be in a state to receive interest either, as subscribed or unsubscribed. But this did not in fact happen. A part of the sums which were presented were crowded into the last days of the quarter, and were too late for a dividend. A considerable sum remained ultimately in a form which, according to the terms of the provision, did not entitle it to interest, either as subscribed or as unsubscribed Debt.

Hence the cash in the Treasury on the 1st of October, 1791, was by a considerable sum greater than was to have been counted upon or than might have happened.

The conclusion which results from the foregoing observations is this, that the purchases which preceded the 1st of October, 1791, and which amounted to \$699,984 23 in specie, could not have been hazarded, but for the aid of the sums which had actually accrued from the proceeds of the bills and the expectation of those which were to accrue from the yet uncollected proceeds of others.

Had it not been for this aid, the Treasury would have been left more bare than was consistent with the security of public credit and the certain execution of the public service.

There is, however, a later period in the state of the Treasury, which will more completely illustrate the idea intended to be established. This is the 2d of July, 1792.

On that day, the balance of cash in the Treasury, comprehending the deposits in all the Banks, and including a sum of \$200,000, received on Loan of the Bank of the United States, together with a sum of \$220,900 in bills drawn upon Domestic Funds, the proceeds of which had not been received, was \$623,133 61.

Prior to this period a further sum of \$545,902 89 arising from the sales of Foreign bills had been placed in the Treasury, by warrants, making with the former sums placed there from the same source, \$907,294 23.

Had it not been for this auxiliary, and that of the Loan from the Bank, the Treasury would then have been in arrear \$484,160 62. It, therefore, necessarily follows, that for the purchases to that period, which amounted in specie to \$942,672 54, at least \$484,160 62 must have come from the Foreign Fund.

But when it is considered, for the reasons which have been stated, and which will hereafter be fortified by others, tending, as I conceive, to give them conclusive force, that the sum in the Treasury at the period in question was barely what ought to have been there for safety, and for a due supply of current demands; it will follow that the whole or nearly the whole of the purchases which

were made previous to July, 1792, were made by the means or instrumentality of the Foreign Fund.

A similar view, extended to the subsequent quarter, will exhibit this point in a still clearer light. The balance then in the Treasury, including a further Loan from the Bank of \$100,000, was only \$420,914 51.

What, then, it may be asked, became of the surplus of revenue to the end of 1790? What was the office performed by that fund during the period in question?

The answer is, that it served exactly the purpose which was anticipated by the Legislature. It came in aid of the current receipts for satisfying the current expenditures of 1791, with particular reference to the interest of the Debt. This will easily be comprehended when it is recollected that the appropriations made during 1791, upon the revenues of that year, and some small surpluses of antecedent appropriations, amounted to three million six hundred and thirty-seven thousand and fifty-eight dollars and thirty-four cents; that the revenues themselves amounted to no more than \$3,553,195 18; and that at the end of 1791, there were outstanding in bonds for the duties on imports, besides the chief part of the proceeds of the duties on spirits distilled within the United States, then also uncollected, \$1,828,269 28.

On this point likewise, of the surplus of revenue to the end of 1790, it is presumable a misapprehension has been entertained. It seems to have been supposed, that that surplus, as well as the proceeds of the Foreign Fund, have been kept separate and distinct from the common mass of the moneys appearing from time to time to be in the Treasury. It has been already observed, that this was not the case with regard to the Foreign Fund. It is now proper to add, that it has not been the case, either, with regard to the surplus in question. That surplus, as received by the Collectors of the Customs, has regularly passed into the Treasury, and appears in the quarterly accounts of the Treasurer for the periods to which they relate.

It is the course of the Treasury, resulting from the constitution of the Department, for all moneys from whatever source to be brought into it, to constitute an aggregate, subject to the dispositions prescribed by law. The moneys to be employed in the Sinking Fund have consequently only been separated, as they have been called for, for actual investment. The only exception to this, relates to that part of the Sinking Fund which is created by the interest of the Debt purchased. This has been included in the quarterly dividends, and covered by the warrants, in favor of the cashiers of the Banks for paying those dividends, after which, they have passed into a distinct account, in the books of the Bank opened with Samuel Meredith, as agent to the Commissioners of the Sinking Fund.

To the foregoing representation, it may seem an objection that the purchases to the end of 1791, appear to have been carried to the account of the surplus at the end of 1790.

The ultimate form which it has been judged convenient to give to the transaction in the accounts

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of the Treasury, cannot change what was truly the course of facts. The proceeds of the above mentioned surplus and of the Foreign Loans formed together the fund for purchases. In the accounts of the Treasury, the thing was susceptible of various modifications at pleasure. The two parts of the fund might have been united in one account, or divided into distinct accounts. Being separated, moneys issued for purchases might have been legally carried to either of them.

It was judged most advisable, in the forms of the Treasury, to place the purchases to the end of 1791, to the account of the Domestic Fund, because it was calculated to give greater latitude and energy to the Sinking Fund. Had not this course been pursued, the business would have taken the following shape: the Foreign Fund to the extent of the purchases, would have been exhausted—the whole, or the greater part of the surplus of 1790, would have continued wrapt up in the expenditure of 1791, not liable to be liberated, till the receipts into the Treasury should yield a correspondent surplus beyond the actual disbursements—which could not have been the case, while the war with the Indians continues to call for extraordinary expenditures.

From the form into which the thing has been thrown, the Foreign Fund has been set free to be applied to further purchases; and a necessity produced of anticipating the outstanding duties, by temporary Loans for the current service.

I trust there can be no doubt, that the course pursued was regular, and within the discretion of the Department. I hope, also, that it will appear to the House to have been the most eligible. The expediency of giving the earliest and greatest possible extent and activity to whatever concerns the Sinking Fund, will, it is presumed, unite all opinions.

What has been said hitherto respecting the employment of the Foreign Fund is applicable only to that part of it which was drawn for prior to April, 1792; the residue standing in a different situation, and requiring a separate examination.

From the statement which has been given, it may be perceived that the fund in question has neither been idle nor useless. A confirmation of this will be found in the following details.

The whole sum successively received on account of Amsterdam bills, up to the 17th of August, 1791, was \$361,391 34. The amount of the moneys invested in purchases, prior to that day, was \$350,000, chiefly by anticipation of those receipts.

The whole sum successively received on account of Amsterdam bills, from August 17, 1791, to March 1, 1792, was \$408,722 69. The amount of the moneys invested in purchases between those periods, was \$349,984 23; chiefly in the month of September, and by anticipation of those receipts.

The whole sum successively received on account of Amsterdam bills, subsequent to the 1st of March, and prior to July, 1792, was \$235,412 33. The amount of the moneys invested in purchases between those periods, was \$242,688 31.

It was stated in my first letter, that \$177,998 80, of the proceeds of the Foreign bills were left in deposit with the Bank of North America; and in a note upon statement B, accompanying that letter, the occasion of it was shown to be an advance without interest, made by that Bank, for the use of the Department of War; which could not yet be covered, in consequence of a doubt still remaining whether the fund appropriated for satisfying that object was adequate to it; the sufficiency of that fund depending in part on certain unexpended residues of antecedent appropriations, which it was expected would not be finally necessary for satisfying the purposes of those appropriations.

It is to be remarked, that the delay of the employment of this part of the proceeds of the Foreign Fund, has been compensated by a saving of interest on the sum advanced by the Bank, which otherwise must have been procured upon a Loan, with an allowance of interest, probably, at the time of the advance, at a rate of six per cent.; so that even in this particular, the fund, though temporarily suspended from its destination, has not been idle or unproductive. I reserve for another place some additional observations and statements, which will be calculated to show that opportunities of investing the moneys at any time on hand, applicable to purchases of the Debt, were not suffered to pass unimproved; and that as much in this respect was done, as the state of the Treasury and the state of the market would permit.

It has been said, that a distinct examination would be proper with regard to the bills which have been drawn upon the Foreign Fund, subsequent to March, 1792. I proceed now to this examination.

The expediency of what has been in this respect done, seems to have been called in question, under a suggestion that an application of the fund to purchases had ceased to be advantageous.

The drawing of these bills has been, at different periods, influenced by various considerations. A leading motive was always the purchase of the Debt; and a correct view of the subject will, I doubt not, satisfy the House, that the measure was recommended by an adequate prospect of advantage.

It is to be observed that all these drafts were predicated upon the two four per cent. Loans; being, as already stated, real four-and-a-half per cent. Loans.

There was good ground to presume that opportunities would be found of investing the moneys drawn for in purchases which would yield at least five per cent., with a possibility of doing still better. The difference of half per cent. was alone an object of importance; but it would be coupled with the further benefit of reducing a principal sum materially exceeding the sum invested. When the three per cents. are purchased at twelve shillings in the pound, there is not only a redemption of an annuity of five per cent., but a sinking of a capital of twenty shillings for twelve. And though this might not be material if the market rate of interest should never fall below five, because in that case the three per cents. might always be

Loans.

purchased at the same rate; yet if it should at any time happen that interest fell below five, it would be a gain to the Government to have purchased at five, in exact proportion to the difference between five and the then market rate. Add to this, that the three per cents. have generally a value in the market more than proportioned to the income they produce, which arises from the capacity of the capital to appreciate even to par.

These observations are, also, for the most part, applicable to the deferred, with this circumstance in addition, that when interest begins to be payable on that species of stock, the money invested, and which in the mean time would have produced five, would then begin to produce to the Government six per cent., with the advantage of having anticipated the redemption of a species of stock of right only gradually redeemable. Combining these considerations, it appears to be clearly and even eminently for the interest of the Government to purchase within the limits suggested, with a fund which does not cost more than four-and-a-half per cent.

That this was the view of the subject which governed, is deducible, not only from the circumstances of the fact, but from my letter of the 2d of April, 1792, to Mr. Short, announcing my intention to draw, in which I assign, as the ground of that intention, "that I considered it for the interest of the United States to prosecute purchases of the Public Debt, with moneys borrowed on the terms of the last Loan;" meaning the Loan of the 1st of January, 1792, at four per cent.

If the event be taken as a criterion, the anticipation will be more than justified; the present juncture offering an opportunity for purchases peculiarly advantageous.

But, without insisting on a state of things occasioned by extraordinary circumstances, it was morally certain that the common course of events would render the operation a beneficial one. And it would not argue peculiar foresight if a calculation was even made on the effect which the situation and probable progress of affairs in Europe might produce upon our market. A pretty general war there, by extending the demand for money, would naturally divert from our stocks a portion of what might otherwise be employed upon them, and affect injuriously their prices. It is also a familiar fact, that during the winter, in this country, there is always a scarcity of money in the towns; a circumstance calculated to damp the prices of stock.

A consideration which collaterally influenced the drawing of the latter bills, was the situation of the French Colony of St. Domingo.

This not only produced an early application for a considerable advance, which was promised, but it was to be foreseen that still further aids would be indispensable.

Indeed, sundry letters from Mr. Short—the first dated at Paris, the 28th of December, 1791—announced the daily probability of an arrangement, requiring an advance here of \$800,000, for the use of that Colony. A sum of four millions of livres has in fact been successively stipulated for that

object, the greatest part of which has been actually furnished.

It is known that these supplies could proceed from no other source than the Foreign Fund.

The payment to the foreign officers of near two hundred thousand dollars, by which an interest of six per cent. would be released, was another object for which provision was to be made out of the same fund.

These several purposes conspired, with the object of purchasing the Debt, to induce the latitude of drawing which took place.

But there was still a further inducement, which came in aid of the others. The time for reimbursing the first instalment of the two millions of dollars due to the Bank, was approaching, when, by positive stipulation, the Government would have to pay two hundred thousand dollars, for which there was no Domestic Fund that could be spared from the current exigencies. I thought it incumbent upon this Department to have an eye to placing within the reach of the Legislature the means of fulfilling this engagement; the object of which bore a strict analogy to that for which the two millions, authorized by the act making provision for the reduction of the Public Debt, were to be borrowed.

I did not even scruple to take into the calculation, that if, from the extent of the drafts upon the Foreign Fund, there should happen to be found on hand a larger sum than was necessary for, or could be advantageously employed towards, the several purposes which were the immediate and direct objects of the operation, the surplus would facilitate to the Government a measure manifestly and unequivocally beneficial—an additional payment to the Bank, on account of a Debt, upon which an annual interest of six per cent. was payable; a measure by which a certain saving of one per cent. to the extent of the payment that might be made would be accomplished.

The possibility of this application of the fund, afforded a perfect assurance that the public interest could in no event fail to be promoted.

I felt myself more at liberty to do it, because it did not interfere with a complete fulfilment of the public engagements in regard to the Foreign Debt. It could be done consistently with a full reimbursement of all arrears and instalments which had accrued on account of that Debt.

The detail which has been given comprehends a full exposition of the views and motives that have regulated the conduct of this Department in relation to those parts of the proceeds of the Foreign Loans which have been transferred to the United States, except as to the last sum of one million two hundred and thirty-seven thousand five hundred florins, directed to be drawn for on the 30th of November last; in regard to which, circumstances of a special nature co-operated, as is explained in a note upon the copy of my letter of the 26th of that month, to Mr. Short, forming a part of the communication herewith made by order of the President of the United States.

The House will perceive that the variety of matter comprised in this letter, has not been col-

Loans.

lected and digested into its present form without much labor, and unavoidable expense of time. I trust they will be sensible that no delay has been unnecessarily incurred. It is certain that I have made every exertion in my power, at the hazard of my health, to comply with the requisitions of the House as early as possible; and it has even been done with more expedition than was desirable to secure the perfect accuracy of the communication.

Yet I have still to regret that some part of the subject must remain to be presented in a subsequent letter. To lessen, however, the inconvenience of this further delay, I shall transmit, with the present letter, the statements required by the first and second of the resolutions of the 23d of

January, which will be found in the schedules herewith marked No. I to V; these required by the last of the resolutions having been already forwarded.

There remain, however, some particulars to complete the information contemplated by those resolutions, that must be reserved for another communication. This I may venture to assure the House will not be deferred beyond the present, or at least the first day of the ensuing week.

With perfect respect, I have the honor to be, sir, your most obedient and most humble servant,

ALEXANDER HAMILTON,

Secretary of the Treasury.

The Hon. the SPEAKER,
of the House of Representatives.

No. L.—*A Statement of the Appropriation for reducing the Public Debt, constituted by the act of Congress, passed on the 12th day of August, 1790.*

To the surplus of the products of duties on imports and tonnage, to the last day of December, 1790, after reserving a sufficient sum from said products to satisfy the appropriations made during the first and second sessions of Congress, as ascertained at the Treasury - - - 1,374,656 40
1790.

Dec. 15. By warrant No. 776, on the Treasurer, in his favor, to be applied in purchases of the Public Debt - - - - - 200,000 00

1791.	Jan. 26.	By	do.	856,	do.	do.	50,000 00
	Feb. 5.	By	do.	869,	do.	do.	50,000 80
		By	do.	870,	do.	do.	50,000 00
	Sept. 30.	By	do.	1265,	do.	do.	149,984 23
		By	do.	1266,	do.	do.	200,000 00
1792.	Mar. 31.	By	do.	1605,	do.	do.	28,915 52
	June 30.	By	do.	1864,	do.	do.	62,673 90
		By	do.	1867,	do.	do.	151,098 89
	Dec. 29.	By	do.	2328,	do.	do.	15,098 11

957,770 65

Balance, being the difference between the surplus of duties appropriated and the sum drawn therefrom - - - - - 406,885 75

\$1,374,656 40

A. HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *February 13, 1793.*

No. II.—*A Statement of the application of the funds drawn on the appropriation of the surplus of duties to the end of the year 1790, for the reduction of the Public Debt.*

To appropriations for reducing the Public Debt, constituted by the act of Congress, passed on the 12th day of August, 1790, for the amount drawn from said appropriation by warrants on the Treasurer, from December 15th, 1790, to December 29th, 1792, viz:

1790.	Dec. 15.	No.	776,	in favor of Samuel Meredith, to be applied in purchases of the Public Debt - - - - -	200,000 00
1791.	Jan. 26.	No.	856,	in favor of Samuel Meredith, ditto - - - - -	50,000 00
	Feb. 5.	No.	869,	in favor of Benjamin Lincoln, ditto - - - - -	50,000 00
			870,	in favor of Wm. Heth, ditto - - - - -	50,000 00
	Sept. 30.	No.	1265,	in favor of S. Meredith, ditto - - - - -	149,984 23
			1266,	in favor of Wm. Seton, ditto - - - - -	200,000 00
1792.	Mar. 31.	No.	1605,	in favor of S. Meredith, ditto - - - - -	28,915 52
	June 30.	No.	1864,	in favor of S. Meredith, ditto - - - - -	62,673 90
			1867,	in favor of Wm. Seton, ditto - - - - -	151,098 89

Loans.—Statement No. II, continued.

1792. Dec. 29, No. 2328, in favor of S. Meredith, to be applied in purchases of the Public Debt	15,098 11
	<u>967,770 65</u>
To this sum, invested in purchases by Benjamin Lincoln, being in part of a sum of interest received by him on stock purchased	5 51
	<u>\$967,776 16</u>
By Samuel Meredith's account of purchases to the 7th day of December, 1790, as reported to Congress by the Commissioners for reducing the Public Debt, on the 21st day of December, 1790	150,239 24
By sundry purchases reported by said Commissioners to Congress, on the 7th day of November, 1791, viz:	
By Samuel Meredith, from the 7th Dec. 1790, to 19th Sept. 1791	248,964 71
By William Seton, from the 19th August, 1791, to 12th Sept. 1791	200,000 00
By William Heth, from the 24th Feb. 1791, to 2d April, 1791	49,934 09
By Benjamin Lincoln, from the 22d Feb. 1791, to 3d March, 1791	50,005 51
	<u>548,994 31</u>
By interest from January 1st, to July 1st, 1791, on stock purchased by Samuel Meredith, in August and September, 1791	760 28
By sundry expenses attending purchases of Public Debt, charged by William Heth, and admitted to his credit	4 15
By sundry purchases reported by said Commissioners to Congress, on the 17th day of November, 1792, viz:	
By Samuel Meredith, from the 21st March to 25th April, 1792	91,589 42
By William Seton, from 2d to the 17th April, 1792	151,098 89
	<u>242,688 31</u>
By purchases by Samuel Meredith, from the 15th to the 22d December, 1792, as per account settled at the Treasury	15,098 11
By balance, being money remaining in the hands of William Heth, of the sum advanced to him for making purchases, and for which he is accountable	61 76
	<u>\$967,776 16</u>

A. HAMILTON, *Secretary of the Treasury.*TREASURY DEPARTMENT, *February 13, 1793.**No. III.—Statement of the application of the Fund constituted by the act of Congress, passed on the 8th of May, 1792, for reducing the Public Debt, arising from the interest on the sums of said Debt purchased, redeemed, and paid into the Treasury of the United States.*

1791. April 1, To interest due this day, on the stock purchased	4,230 63
July 1, To do.	5,013 02
	<u>9,243 65</u>
	9,243 65
October 1. To interest due this day on the stock purchased,	8,635 18
1792. January 1. To do.	6,989 01
	<u>24,867 84</u>
	24,867 84
April 1. To interest due this day on the stock purchased	6,989 01
	48 63
To interest due this day on part of the stock paid into the Treasury by the State of Pennsylvania, for land on Lake Erie, purchased from the United States	48 63
July 1. To do. do. on the stock purchased	9,388 76
To do. do. on the stock paid as above, for land on Lake Erie	48 63
To do. do. on the stock paid into the Treasury on account of the commutation of Willis Wilson	127 30
	<u>41,470 17</u>

Loans.

1792. July 1.	To balance	-	-	-	-	-	-	-	41,470	17
October 1.	To interest due this day on the stock purchased	-	-	-	-	-	-	-	9,366	24
	To interest due this day on the stock paid as above, for land on Lake Erie	-	-	-	-	-	-	-	48	63
	To interest due this day on the stock paid as above, on account of the commutation of Willis Wilson.	-	-	-	-	-	-	-	21	21
1793. January 1.	To do. do. on the stock purchased	-	-	-	-	-	-	-	9,420	42
	To do. do. on the stock paid as above, for land on Lake Erie	-	-	-	-	-	-	-	48	63
	To do. do. on the stock paid as above, on account of the commutation of Willis Wilson	-	-	-	-	-	-	-	21	21
	To do. do. on the stock paid into the Treasury by John Hopkins, for a balance due from him in indents of interest	-	-	-	-	-	-	-	159	44
									<u>\$60,555</u>	<u>95</u>
1791. July 1.	By balance to the credit of the Commissioners for reducing the Public Debt, deposited, as follows:									
	In the Bank of North America	-	-	-	-	-	-	-	8,711	97
	In the hands of the Commissioner of Loans for the State of Massachusetts	-	-	-	-	-	-	-	531	68
									<u>\$9,243</u>	<u>65</u>
1792. January 1.	By balance to the credit of the Commissioners for reducing the Public Debt, deposited as follows:									
	In the Bank of North America	-	-	-	-	-	-	-	23,830	37
	In the hands of the Commissioner of Loans for the State of Massachusetts	-	-	-	-	-	-	-	531	68
	In the hands of the Commissioner of Loans for the State of New York	-	-	-	-	-	-	-	505	79
									<u>24,867</u>	<u>84</u>
1792. July 1.	By balance to the credit of the Commissioners for reducing the Public Debt, deposited as follows:									
	In the Bank of North America	-	-	-	-	-	-	-	23,830	30
	In the Bank of the United States	-	-	-	-	-	-	-	17,639	80
									<u>41,470</u>	<u>17</u>
	By purchases made by Samuel Meredith, from the 29th to the 31st of October, 1792, as reported to Congress by the Commissioners for reducing the Public Debt, on the 17th of November, 1792	-	-	-	-	-	-	-	25,969	96
	By purchases made by Samuel Meredith, from the 17th to the 26th January, 1793, inclusive, agreeably to his account rendered to the Treasury	-	-	-	-	-	-	-	34,585	99
									<u>\$60,555</u>	<u>95</u>

NOTE.—Interest stated per contra, remained in the Bank of the United States, until expended.

REMARKS.

In addition to the sums received as within stated, there remain to be received from the following persons, balances found to be due from them on the settlement of their accounts at the Treasury, viz :

From William Heth, for interest received on stock purchased by him	-	-	-	-	-	-	-	-	\$658	83
From Benjamin Lincoln, for interest received on stock purchased by him	-	-	-	-	-	-	-	-	154	49
From Benjamin Lincoln, for interest struck on stock purchased by him, stated in his name in dividend accounts of the Commissioner of Loans for the State of Massachusetts, now transferred to the books of the Treasury among unclaimed dividends	-	-	-	-	-	-	-	-	368	56

The fund is likewise liable to receive additions of interest on the following sums paid into the Treasury, upon which no dividend has yet been struck, viz :

Loans.

On 85,032 08 unfunded stock, received from the State of Pennsylvania for land on Lake Erie.

On 1,356 87 received from Jonathan Burrall, which had been paid to him on a balance due in the Commissary Department.

These sums at present, stand on the books of the Treasury in the name of Samuel Meredith, Treasurer of the United States, in trust for the United States.

Also, for the interest on the Debt due to foreign officers, now in a course of redemption.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *February 13, 1793.*

No. IV.—*Quarterly statement of Cash in the hands of the Treasurer of the United States for the year 1791.*

Balance of cash in my hands the 30th June, 1791, see below	-	-	-	\$533,638 24
Balance of cash in the Bank of North America	-	-	428,200 17	
do. New York	-	-	92,600 77	
do. Massachusetts	-	-	2,266 76	
Cash paid on account of contingent expenses	-	-	490 54	
Theodosius Fowler and Co.'s note	-	-	10,000 00	
			<u>533,638 24</u>	

From the 1st of January to the 30th of June, two quarters.

Balance of cash in my hands the 30th September, 1791, see below	-	-	-	622,233 99
cash in the Bank of North America	-	-	136,830 38	
do. New York	-	-	465,926 94	
do. Maryland	-	-	31,391 78	
do. Massachusetts	-	-	28,064 89	
			<u>622,233 99</u>	
Balance of cash in my hands the 31st December, 1791, see below	-	-	-	953,862 75
cash in the Bank of the United States	-	-	133,000 00	
do. North America	-	-	471,972 28	
do. New York	-	-	224,677 35	
do. Massachusetts	-	-	65,578 22	
do. Maryland	-	-	50,665 29	
do. Providence	-	-	7,969 61	
			<u>953,862 75</u>	

The previous sickness, and afterwards the death of Mr. Eveleigh, the late Comptroller, which happened on the 15th of April, 1791, occasioned an accommodation between the Secretary of the Treasury and the Bank of North America, with respect to a number of warrants which were not countersigned, the Bank agreeing to pay them and retain them in its possession till the appointment of a Comptroller, when they could be regularly countersigned and charged to my account. This caused an agreement with the Comptroller, that the two first quarters of the year 1791 might be included in one account, in order that the different offices in the Treasury Department should correspond in their balances.

SAMUEL MEREDITH, *Treasurer of the United States.*

TREASURY OF THE UNITED STATES.

Loans.

[No. V.—Statement of Cash in the Treasury during the year 1792, showing the balance on hand half-monthly.

Date.	Bank of U. States.	Office of the account and Deposits, Boston.	Office of the account and Deposits, New York.	Office of the account and Deposits, Baltimore.	Office of the account and Deposits, Charleston.	Bank of Massachusetts.	Bank of New York.	Bank of N. America.	Bank of Providence.	Bank of Maryland.	Total amount.	Sum in bills at certain periods by B. U. S.	Total specie at certain periods.
1792.													
January	1 133,000 00	-	-	-	-	65,578 22	329,677 35	471,972 28	7,969 61	50,665 29	953,663 75	-	-
"	15 333,000 00	-	-	-	-	66,453 22	164,469 95	254,134 47	7,969 61	152,198 56	878,325 63	-	-
February	1 456,378 00	-	-	-	-	71,315 55	128,708 21	151,516 32	7,969 61	49,583 25	865,271 64	-	-
"	15 708,160 44	-	-	-	-	24,115 55	30,912 37	91,516 32	2,069 61	129,563 25	877,257 44	-	-
March	1 692,959 06	-	-	-	-	31,769 04	32,362 59	81,515 74	8,404 94	34,753 85	831,754 16	-	-
"	15 618,563 69	-	-	-	-	36,286 04	295,717 44	81,515 74	7,666 65	45,393 10	1,085,572 66	-	-
April	1 359,843 64	-	-	-	-	37,713 58	364,930 41	31,515 74	1,166 65	60,418 32	650,037 35	-	-
"	15 247,051 80	-	-	-	-	50,785 24	269,099 60	31,515 74	1,166 65	60,418 32	650,037 35	-	-
May	1 301,455 69	-	-	-	-	50,785 24	305,854 85	31,515 74	1,166 65	60,418 32	777,985 99	-	-
"	15 868,479 01	-	24,373 94	-	-	8,785 24	293,587 35	31,515 74	1,166 65	77,075 95	795,769 94	-	-
June	1 309,186 44	-	43,257 65	-	-	8,965 63	294,537 35	31,515 74	5,356 65	27,518 68	754,191 33	187,508 38	596,683 00
"	15 406,610 50	-	63,919 54	-	-	43,805 13	1,415 63	62,628 46	61,601 30	18,434 65	817,752 18	316,900 00	500,853 18
July	3 212,403 89	111,343 44	68,318 90	-	-	55,559 99	11,415 63	54,078 46	61,601 30	12,294 65	633,133 61	220,900 00	402,233 61
"	15 196,536 10	111,343 44	83,099 63	-	-	49,133 25	13,012 06	54,078 46	61,601 30	21,588 65	608,660 04	159,650 00	449,010 04
August	1 202,968 08	99,538 42	83,099 63	-	-	49,133 25	13,012 06	54,078 46	61,601 30	21,588 65	593,762 93	73,650 00	667,412 93
"	15 389,940 78	100,626 42	90,867 04	2,599 00	27,682 32	82,628 39	59,141 28	61,601 30	14,916 65	9,890 06	779,732 21	114,450 00	894,182 21
Sept'mber	1 401,064 78	100,626 42	90,867 04	2,599 00	27,682 32	82,628 39	59,141 28	61,601 30	14,916 65	9,890 06	790,457 18	118,700 00	909,157 18
"	15 605,766 48	187,169 59	105,280 02	5,889 98	37,381 81	63,626 39	71,070 75	61,601 30	17,157 65	-	754,963 89	28,200 00	783,163 89
October	1 117,198 54	77,666 02	14,130 02	2,344 83	36,970 18	63,626 39	60,219 56	61,601 30	17,157 65	-	490,914 51	31,100 00	522,014 51
"	15 110,931 29	47,666 02	27,349 28	26,044 83	36,970 18	63,626 39	69,019 05	61,601 30	11,457 65	-	404,426 02	98,000 00	502,426 02
November	1 172,405 89	116,686 48	64,908 82	43,644 83	61,616 98	63,626 39	69,019 05	61,601 30	28,452 87	-	621,963 64	88,700 00	710,663 64
"	15 216,952 31	101,763 23	133,576 33	59,051 72	61,616 98	63,626 39	69,019 05	61,601 30	28,452 87	-	736,940 11	96,000 00	832,940 11
December	1 247,139 33	143,267 37	92,323 31	29,810 74	93,634 43	-	69,019 05	61,601 30	45,957 87	-	940,735 60	53,200 00	993,935 60
"	15 371,594 62	165,058 41	189,016 16	40,738 12	65,287 82	-	69,019 05	61,601 30	30,157 87	-	962,767 39	209,200 00	1,171,967 39
1793.													
January	1 109,169 45	154,860 67	224,734 51	73,663 64	63,015 85	-	69,019 8	61,601 30	28,157 87	-	783,312 37	155,200 00	938,512 37

Total amount of quarter ending 31st December, 1792, brought down - 783,312 37
 Amount of contingencies paid, for which there is no appropriation - 143 14
 Ditto, paid Samuel Brock, a clerk in the office, for which there is no appropriation - 90 00
 \$783,444 51

TREASURY OF THE UNITED STATES,
 SAMUEL MEREDITH, Treasurer of the United States.

Loans.

TREASURY DEPARTMENT, *February 13, 1793.*

SIR: In obedience to an order of the President of the United States, founded upon the requests contained in two resolutions of the House of Representatives, of the 23d of January last, I have the honor to lay before the House—

1. The several papers numbered, 1, 2, 3, 4, being copies of the authorities under which Loans have been negotiated, pursuant to the acts of the 4th and 12th of August, 1790.

2. Sundry letters, as per list at foot, from the Secretary of the Treasury to William Short, Esq., and to Wilhem and J. Willinks, N. and J. Van Staphorst, and Hubbard, being copies of the authorities respecting the application of the moneys borrowed.

3. Statement A, showing the names of the persons by whom, and to whom, the respective payments of the French Debt have been made in Europe, specifying the dates of the respective payments, and the sums. With regard to the precise dates of the respective drafts which may have been drawn, or orders which may have been given by Mr. Short to our bankers, for making those payments, they cannot be furnished, not being known at the Treasury. It is, however, to be inferred, from the correspondence and circumstances, that they preceded but a short time the respective payments to which they related.

Statement B, showing by whom the payments have been made, on account of the Dutch Loans, the dates, and the sums. As to the persons to whom the payments were made, no specification is practicable, these being the numerous subscribers to the several Loans, their agents, or assignees. It has never been considered, either under the former or present Government, as interesting to the Treasury to know who those individuals were. Indeed, by the transfers always going on, they are continually changing. The demand for a communication of their names would have been unprecedented, and the disclosure, from time to time, would have been attended with a great deal of useless, but expensive trouble.

The statement desired, in reference to the Spanish Debt, cannot be furnished. In a note upon statement No. 1, of my late Report, concerning Foreign Loans, it is mentioned, "that advice had been received that the payment of this Debt was going on, though it had *not been completed.*" This appears by letters from Mr. Short, now before the Senate, dated August 30th, and October 9th and 22d. No advice of the completion of the payment has been since received. All that is known is, that our bankers were procuring bills under orders from Mr. Short, for the purpose of remitting to Spain the sum necessary to discharge her debt.

There will be seen a difference in the statement now presented, and No. 1 of my late Report, concerning Foreign Loans, as to the date of the last payment to France. In one, the 9th of August is mentioned, in the other, of the 6th of September. The fact is, that it had its inception some time in August, but was not perfected till the 6th of September. Mr. Morris, who had been charged by Mr. Short with endeavoring to adjust, with the French Treasury, the rule by which the payments that had been, and might be made, should be liquidated into livres, having regard to certain equitable considerations, made an arrangement with it, provisionally, for the payment of 1,641,250 florins, [1,625,000 Banco,] and wrote to Mr. Short, requesting that he would direct the payment to be completed. There appeared to have been two letters from Mr. Morris on the subject, one dated the 6th, the other the 9th of August. But Mr. Short, for reasons which he explains in his correspondence, now before the Senate, did not consummate the payment till the 6th of September. One statement has reference to the beginning, the other, to the conclusion of the affair.

I am instructed by the President to observe, that there are some circumstances in the communications now made, which would render a public perusal of them not without inconvenience.

With perfect respect, I have the honor to be, sir, your most obedient and most humble servant,
ALEXANDER HAMILTON, *Secretary of the Treasury.*

The Hon. the SPEAKER of the House of Representatives.

No. 1.

George Washington, President of the United States of America, to the Secretary of the Treasury for the time being.

By virtue of the several acts, the one, entitled "An act making provision for the Debt of the United States," and the other entitled "An act making provision for the reduction of the Public Debt," I do hereby authorize and empower you, by yourself, or any other person or persons, to borrow, on behalf of the United States, within the said States, or elsewhere, a sum or sums, not exceeding, in the whole, fourteen millions of dollars, and to make, or cause to be made, for that purpose, such contract or contracts, as shall be necessary, and for the interest of the said States, subject to the restrictions and limitations in the said several acts contained; and, for so doing, this shall be your sufficient warrant.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand, at the city of New York, this twenty-eighth day of August, in the year of our Lord one thousand seven hundred and ninety.

GEO. WASHINGTON.

By the President:

TH. JEFFERSON.

Loans.

No. 2.

George Washington, President of the United States of America, to the Secretary of the Treasury for the time being.

Having thought fit to commit to you the charge of borrowing, on behalf of the United States, a sum or sums, not exceeding, in the whole, fourteen millions of dollars, pursuant to the several acts, the one, entitled "An act making provision for the Debt of the United;" the other, entitled "An act making provision for the reduction of the Public Debt:"

I do hereby make known to you, that, in the execution of the said trust, you are to observe and follow the orders and directions following, viz: Except where otherwise especially directed by me, you shall employ, in the negotiation of any Loan or Loans, which may be made in any foreign country, William Short, Esq. You shall borrow, or cause to be borrowed, on the best terms which shall be found practicable, (and within the limitations prescribed by law as to time of repayment and rate of interest,) such sum or sums, as shall be sufficient to discharge, as well all instalments, or parts of the principal of the Foreign Debt which now are due, or shall become payable to the end of the year one thousand seven hundred and ninety-one, as all interest and arrears of interest, which now are, or shall become due, in respect to the said Debt, to the same end of the year one thousand seven hundred and ninety-one. And you shall apply, or cause to be applied, the moneys which shall be so borrowed, with all convenient despatch, to the payment of the said instalments, and parts of the principal and interest, and arrears of the interest of the said Debt. You shall not extend the amount of the Loan which you shall make, or cause to be made, beyond the sum which shall be necessary for completing such payment, unless it can be done upon terms more advantageous to the United States than those upon which the residue of the said Debt shall stand or be. But, if the said residue, or any part of the same, can be paid off by new Loans, upon terms of advantage to the United States, you shall cause such further Loans as may be requisite to that end, to be made, and the proceeds thereof to be applied accordingly. And for carrying into effect the objects and purposes aforesaid, I do hereby further empower you to make, or cause to be made, with whomsoever it may concern, such contract or contracts, being of a nature relative thereto, as shall be found needful, and conducive to the interest of the United States.

If any negotiation with any Prince or State, to whom any part of the said Debt may be due, should be requisite, the same shall be carried on through the person who, in capacity of Minister, *Chargé des Affaires* or otherwise, now is, or hereafter shall be charged with transacting the affairs of the United States, with such Prince or State; for which purpose I shall direct the Secretary of State, with whom you are in this behalf to consult and concert, to co-operate with you.

Given under my hand at the city of New York, this twenty-eighth day of August, in the year of our Lord one thousand seven hundred and ninety.

GEO. WASHINGTON.

No. 3.

To all to whom these presents shall come:

Whereas, by an act, passed the fourth day of August, in this present year, entitled "An act making provision for the Debt of the United States," it is, among other things, enacted, that the President of the United States be authorized to cause to be borrowed, on behalf of the United States, a sum or sums, not exceeding in the whole twelve millions of dollars, and that so much of that sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the said Foreign Debt, be appropriated solely to those purposes; and that the President be, moreover, further authorized to cause to be made such other contracts respecting the said Debt as shall be found for the interest of the said States: *Provided, nevertheless,* That no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed, within fifteen years after the same shall have been lent or advanced:

And, whereas, by another act, passed the twelfth day of August, in the present year, entitled "An act making provision for the reduction of the Public Debt," it is, also, among other things, enacted that the President of the United States be authorized to cause to be borrowed, on behalf of the United States, a sum or sums, not exceeding in the whole two millions of dollars, at an interest not exceeding five per cent:

And whereas, by virtue of the said several acts, the President of the United of America hath been pleased, by a certain commission or warrant, under his hand, to authorize and empower the Secretary of the Treasury for the time being, by himself, or any other person or persons, to borrow, on behalf of the United States, within the said States, or elsewhere, a sum or sums, not exceeding, in the whole, fourteen millions of dollars, and to make, or cause to be made, for that purpose, such contract or contracts as shall be necessary, and for the interest of the said States, subject to the restrictions and limit-

Loans.

ations in the said several acts contained: And whereas, Messrs. Wilhem and Jan Willink, and Nicholaas and Jacob Van Staphorst, and Hubbard, have, by letter, bearing date the 25th day of January, 1790, communicated to me, that they have entered into a certain provisional agreement or arrangement, for a Loan of three millions of florins, for the use of the United States of America, bearing an interest of five per centum per annum, and reimbursable by yearly instalments, of six hundred thousand florins, commencing in the year one thousand eight hundred and one, and ending in the year one thousand eight hundred and five: And whereas, it appears to me for the interest of the said United States to accept the said Loan:

Now, therefore, be it known: That I, Alexander Hamilton, Secretary of the Treasury of the United States for the time being, by virtue of the power and authority in me vested, by the said President of the United States, and in his name, and on behalf of the United States of America, and to their use, do, by these presents, accept, agree to, ratify, and confirm, the Loan aforesaid, provisionally undertaken by the said Wilhem and Jan Willink, and Nicholaas and Jacob Van Staphorst, and Hubbard. And I do hereby authorize and empower the said Wilhem and Jan Willink, and Nicholaas and Jacob Van Staphorst, and Hubbard, or, in case of the death of any of them, the survivors, to borrow, on behalf of the United States, either by way of confirmation of the said provisional agreement, or otherwise, as need may be, a sum or sums, not exceeding, in the whole, three millions of florins, subject to the restrictions and limitations in the said several acts contained and above recited; and for that purpose, in the name of the said President, on behalf of the United States of America, to execute such contracts, obligations, and instruments, as shall be necessary, and comfortable to usage, in the like cases, and the faith of the United States to pledge for the performance of the terms thereof; and if the same shall be deemed requisite, to stipulate for the ratification thereof by the President of the United States; hereby giving and granting to the said Wilhem and Jan Willink, and Nicholas and Jacob Van Staphorst, and Hubbard, and the survivors of them, all my power and authority, in the premises, and ratifying, allowing, and confirming, whatsoever they shall lawfully do therein.

In testimony whereof, I have caused the seal of the Treasury to be affixed to these presents, and have hereunto subscribed my hand, the twenty-eighth day of August, in the year of our Lord one thousand seven hundred and ninety.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

No. 4.

To all to whom these presents shall come:

Whereas, by an act passed the fourth day of August, in this present year, entitled "An act making provision for the Debt of the United States," it is, among other things, enacted, that the President of the United States be authorized to cause to be borrowed, on behalf of the United States, a sum or sums, not exceeding in the whole twelve millions of dollars, and that so much of that sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the said Foreign Debt, be appropriated solely to those purposes; and that the President be, moreover, further authorized to cause to be made such other contracts respecting the said Debt, as shall be found for the interest of the said States: *Provided, nevertheless,* That no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed, within fifteen years after the same shall have been lent or advanced:

And whereas, by another act, passed the 12th day of August, in the present year, entitled "An act making provision for the reduction of the Public Debt," it is, also, among other things, enacted, that the President of the United States be authorized to cause to be borrowed, on behalf of the United States, a sum or sums not exceeding in the whole two millions of dollars, at an interest not exceeding five per cent:

And whereas, by virtue of the said several acts, the President of the United States of America hath been pleased, by a certain commission or warrant, under his hand, to authorize and empower the Secretary of the Treasury for the time being, by himself, or any other person or persons, to borrow, on behalf of the United States, within the said States, or elsewhere, a sum or sums, not exceeding, in the whole, fourteen millions of dollars, and to make, or cause to be made, for that purpose, such contract or contracts as shall be necessary, and for the interest of the said States, subject to the restrictions and limitations in the said several acts contained:

Now, therefore, know ye: That I, Alexander Hamilton, Secretary of the Treasury of the United States for the time being, by virtue of the said commission, power, or warrant, of the President of the United States of America, have authorized and empowered, and, by these presents, do authorize and empower William Short, *Chargé des Affaires* of the United States at the Court of France, to borrow, on behalf of the United States, in any part of Europe, a sum or sums, not exceeding, in the whole fourteen millions of dollars, and to make, or cause to be made, for that purpose, such contract or con-

Loans and Finances.

tracts as shall be necessary, and for the interest of the said States; subject to the restrictions and limitations in the said several acts contained; and for so doing, this shall be his sufficient warrant.

In testimony whereof, I have caused the seal of the Treasury to be affixed to these presents, and have hereunto subscribed my hand, the first day of September, in the year of our Lord one thousand seven hundred and ninety.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

A.—Statement showing the dates and sums of the respective payments which have been made on account of the Debt due to France, out of the Dutch and Antwerp Loans; and by whom, and to whom, the moneys were remitted or paid.

		Livres tournois. s. d.	Florins. st.
1790.			
December 3	Remitted by Wm. and J. Willink, N. and Jacob Van Staphorst, and Hubbard, of Amsterdam, to Mr. du Fresne - - -	3,611,950 0 0	1,500,014 9
1790.			
June 10	Director of the Royal Treasury of France, by order of William Short, Esq. - - -	2,696,629 4 0	1,065,000 0
August 11	Remitted by the same to the Commissioners of the National Treasury at Paris, by order of William Short, Esq.	941,176 9 0	352,187 10
Sept. 13		642,896 9 9	238,233 6
Sept. 15		1,080,874 12 6	400,531 12
Sept. 22		1,457,734 15 4	539,414 10
Sept. 29		907,990 15 9	335,726 14
October 3		616,212 14 7	229,500 15
October 6		220,680 10 0	81,957 10
October 13		806,420 3 3	300,951 9
October 20		1,139,053 14 1	429,550 16
October 24		811,154 2 8	302,291 4
Nov. 10	Remitted by the same, to Mr. Garat, cashier of the National Treasury at Paris, by order of William Short, Esq. - - -	487,692 2 8	180,606 13
Dec. 15	Remitted from Antwerp, by Mr. De Wolf, to the National Treasury at Paris, by order of William Short.	1,540,909 2 0	567,825 0
Dec. 22		270,500	
Dec. 31		338,999 0 9	
1792.		101,700	
January 10	312,004 6 6		
January 16	308,441 6 0		
From Jan. to March	Payments made by M. De Wolf, to J. Broeta, at Antwerp, by order of the Commissioners of the National Treasury of France - 4,581,413 15 1		
From Ap 1, to June 4	Do do - - - 843,925 10 6		
Sept. 6	Ditto made by Wm. and J. Willink, N. and Jacob Van Staphorst, and Hubbard, of Amsterdam, to Messrs. Hogguen, Grand, & Co. Bankers for the Commissioners of the National Treasury of France, by order of William Short, Esq. - - -	6,756,974 18 10*	1,968,000 0
		6,000,000 0 0	1,641,250 0
		29,717,639 13 10	10,073,043 8

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, February 13, 1793.

* The amount of livres here stated exceeds somewhat that which was stated in No. 1, of my last Report. It will be observed, that it was then mentioned, that the details of this transaction were wanting. They have since been received, and correspond with the present statement. The difference arises from the real rates of exchange at the times of the respective payments having been different from what was assumed by analogy as a rule of computation.

Loans.

B.—Statement Showing the respective payments which have been made by William and John Willink, Nicholaas and Jacob Van Staphorst, and Hubbard, in Amsterdam, to individuals, upon the several Loans made in Holland, on account of the United States.

		Florins. st. d.		
1791.				
February	1	Payment of 54 premiums drawn in the lottery, agreeably to the terms of the contract of the 4 per cent. Loan of 2,000,000 florins - - - - - (a)	90,000	0 0
		Interest due this date on the said Loan, at 4 per cent. - (a)	80,000	0 0
		Interest on the Loan of 3,000,000 florins, commencing the 1st of February, 1790, at 5 per cent. - - - - - (b)	119,783	6 0
June	1	Interest on the Loans of 7,000,000 florins, at 5 per cent. - (a)	350,000	0 0
1792.				
February	1	Interest on the Loan of 2,000,000 florins, at 4 per cent. - (a)	80,000	0 0
		Interest on the Loan of 3,000,000 florins, commencing on the 1st of February, 1790, at 5 per cent. - - - - - (b)	150,000	0 0
March	1	Interest on the Loan of 2,500,000 florins, commencing on the 1st of March, 1791, at 5 per cent. - - - - - (b)	119,879	4 0
June	1	Interest on the Loans of 7,000,000 florins, at 5 per cent. - (a)	350,000	0 0
September	1	Interest on the Loan of 6,000,000 florins, commencing on the 1st of September, 1791, at 5 per cent. - - - - - (b)	294,566	13 0
December	1	Interest on the Loan of 2,050,000 florins, made at Antwerp, at 4½ per cent. - - - - - (b)	92,250	0 0
1793.				
January	1	Interest on the Loan of 3,000,000 florins, commencing on the 1st of January, 1792, at 4 per cent. - - - - - (b)	106,709	19 8
			1,833,189	2 8

REMARKS.

(a) These Loans were negotiated under the late Government.

(b) The interest payable upon each of these Loans, at the expiration of the first year, was not due upon the entire capital borrowed, but in the proportion to the time in which the Loans were completed.

The sum of 1,833,189 florins, 2 stivers and 8 deniers, here stated, is the same as reported to the House by the Secretary on the 3d instant, in the statement No. 1.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, February 13, 1793.

PUBLIC FUNDS.

TREASURY DEPARTMENT, February 14, 1793.

SIR: I have the honor to transmit, herewith, in further pursuance of the order of the Senate, of the 23d of January past, three several statements, marked A, B, C.

A, being a general account of revenue and appropriations: exhibiting, on one side, all the income of the United States, except from the proceeds of Loans foreign and domestic, to the end of the year 1792; on the other, the respective amounts of all the appropriations which have been made by law, to the same period.

B, being a general account of appropriations and expenditures to the same end of the year 1792. This statement takes up the excess of the appropriations beyond the expenditure, to the end of the year 1791, as contained in the account of Receipts and Expenditures, reported to the House of Representatives during the present session; and, including all the subsequent appropriations and expenditures to the end of 1792, shows the balance unsatisfied of each head of appropriation.

C, being an explanatory statement, for the purpose of showing a conformity between the aggregate of the balances of appropriations unsatisfied, and the balance of the public income beyond the public expenditure, to the end of the year 1792, as represented in the statement B, heretofore reported.

It will be observed, that the most considerable item among the balances of appropriations, is for interest on the Public Debt—amounting to one million three hundred and ninety-five thousand eight hundred and twenty-four dollars and sixty-five cents. This happens in three ways. 1st. The interest on the foreign part of the Debt has been paid in Europe, out of the proceeds of the Loans; the sum paid will consequently require to be replaced out of the domestic funds, and will operate as if an

The Public Funds.

equal sum had been transferred here by drafts. 2d. The payment of interest to certain States, upon the difference between their quotas of the assumed Debt, and the sums subscribed upon the first Loan, has been suspended, in consequence of the opening of the second Loan, to avoid a double payment of interest, first to the States, and next to the subscribers, which might otherwise happen. 3d. There is a part of the Public Debt which has continued in a form that has not entitled the holders, under the existing laws, to receive interest, either as subscribers or non-subscribers.

There are certain arrears of interest, on the part of the Debt entitled to interest, which did not come into the accounts of the year 1792.

This balance of interest, however, will be a real future expenditure; as, indeed, will be the case with regard to most of the other balances of appropriations. There will be surplusses, but these surplusses cannot exceed, if they equal, the sum mentioned in my letter of the 4th instant, to the House of Representatives.

With perfect respect, I have the honor to be, sir, your obedient servant,
ALEXANDER HAMILTON, *Secretary of the Treasury.*

The VICE PRESIDENT of the United States and President of the Senate.

A.

Statement of the revenue of the United States, and appropriations charged thereon, to the end of the year 1792.

DR.

REVENUE.

To amount of duties on imports and tonnage, and of fines, penalties, and forfeitures, from the commencement of the present Government to the 31st of December, 1791	\$6,534,263 84
To product of duties on spirits distilled within the United States, for a half year, ending the 31st of December, 1791, as estimated	150,000 00
To product of duties on imports and tonnage, &c., for the year 1792, heretofore estimated at	3,900,000 00
To product of duties on spirits distilled within the United States for the same period, as estimated	400,000 00
To cash received into the Treasury, from fines, forfeitures, and for balances, to the end of the year 1791	11,335 93
To cash received for arms and accoutrements sold, fines, and penalties, balances of accounts settled in the year 1792, and on account of the first dividend declared by the Bank of the United States	21,860 87
	\$11,017,460 64

CR.—APPROPRIATIONS.

1789.					
Act Aug. 20	By appropriation for Indian treaties	-	-	-	\$20,000 00
Sept. 29	Do. for sundry objects	-	-	-	639,000 00
1790.					
March 26	Do. for the support of Government	-	-	-	754,658 99
July 1	Do. intercourse with foreign nations, 1790 and 1791	-	-	-	80,000 00
	Do. do. do. for 1792	-	-	-	40,000 00
	Do. for the claim of John M'Cord	-	-	-	1,309 71
July 22	Do. Indian treaties	-	-	-	20,000 00
August 4	Do. interest on Debt, Foreign and Domestic, for 1791	-	-	-	2,060,861 40
	Do. do. do. for 1792	-	-	-	2,849,194 73
	Do. for the Cutter establishment	-	-	-	10,000 00
August 10	Do. for Portland light-house	-	-	-	1,500 00
	Do. for disabled seamen	-	-	-	548 57
August 12	Do. for sundry objects	-	-	-	233,219 97
	Do. for the reduction of the Public Debt, being surplus of revenue for 1790	-	-	-	1,374,656 40
1791.					
February 11	Do. for sundry objects	-	-	-	740,232 60
March 3	Do. recognition of the treaty with Morocco	-	-	-	20,000 00
	Do. the protection of the frontiers	-	-	-	312,686 20
	Do. officers of the Judicial Courts	-	-	-	4,055 33
December 23	Do. the support of Government for 1792	-	-	-	1,059,222 81

The Public Funds.

		CR.—APPROPRIATIONS—Continued.			
1792.					
Act April	2	By appropriation for a light-house on Baldhead	-	-	\$4,000 00
		Do. Mint establishment	-	-	7,000 00
April	13	Do. Wilmington grammar school	-	-	2,553 64
May	2	Do. for protection of the frontiers	-	-	673,500 00
May	8	Do. for sundry objects	-	-	84,497 90
		Do. for compensation to Colonel Gibson	-	-	1,000 00
		Do. the claim of John Brown Cutting	-	-	2,000 00
					10,995,668 25
		Surplus of revenue above the appropriations, to the end of the year			
	1792	-	-	-	21,763 39
					\$11,017,460 64

ALEXANDER HAMILTON, *Secretary of the Treasury.*TREASURY DEPARTMENT, *February 14, 1793.*

The Public Funds.

B.—A general statement of the appropriations made by law, and of the expenditures of the United States in relation thereto, from the first day of January to the last day of December, 1792.

Date and title of the act of appropriations.	For discharging the warrants issued by the late Board of Treasury.	For the support of the Civil List under the late and present Government.	For the support of the Army of the United States.	For paying the pensions due to invalids.	For defraying the expenses of negotiations with the Indian tribes.	For paying interest due on temporary loans authorized by the Secretary of the Treasury.	For the support of the Ministers, &c., of the U. States at foreign courts, and maintaining intercourse with foreign nations.	For executing a recognition of the treaty of the U. States with the new Empire of Morocco.	For the building, equipment, and support of ten revenue cutters.	Towards discharging certain debts contracted by Abraham Skinner, late commissary of prisoners.	Towards discharging certain debts contracted by Colonel Tamony Pickering.	For paying the interest due on the Domestic Debt of the United States.*
Balances remaining unexpended on the 31st of December, 1791, on appropriations made prior to the 23d of said month, agreeably to the schedule annexed to the general account of receipts and expenditures, rendered to the House of Representatives on the 10th November, 1792.	28,216 06	189,706 55	314,368 93	104,689 44	12,000 00	2,400 88	76,986 67	7,000 00	32,737 80	209 62	26,545 92	289,483 94
1790, July 1. An act providing the means of intercourse between the United States and foreign nations.							40,000 00					(G) 681,321 26 (H) 512,545,194 73
August 4. An act making provision for the Debt of the United States.												
1791, March 3. An act to incorporate the subscribers to the Bank of the United States.												
December 23. An act, making appropriations for the support of Government for the year 1792.												
1792, April 2. An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina.												
An act establishing the Whilby, and regulating the course of the United States.												
An act to consolidate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war.												
May 2. An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned.			67,500 00									
May 8. An act supplementary to the act making provision for the Debt of the U. States.												
An act making certain appropriations therein specified.							50,000 00					
An act to compensate the services of the late Colonel George Gibson.												
An act concerning the claim of John Brown Cussing against the U. States.												
Amount of appropriations	28,216 06	519,590 11	1,497,949 09	185,083 04	12,000 00	2,400 88	168,986 67	7,000 00	32,737 80	209 62	36,545 92	2,760,879 28
Amount of payments during the year 1792	28,216 06	327,711 80	1,116,687 35	103,500 15	12,000 00	2,400 88	78,786 67	7,000 00	32,737 80	209 62	2,606 18	2,374,064 26
Balances unexpended on the 31st December, 1792	28,176 73	191,446 31	316,161 77	81,582 89	13,000 00	2,400 88	89,900 00	7,000 00	28,704 68	209 62	26,939 74	1,386,814 66

* This is erroneously expressed; it should be said to include the interest on the entire Debt of the United States, as well foreign as domestic.

The Public Funds.

GENERAL STATEMENT—Continued.

Dates and titles of the acts of appropriations.	For paying bills of exchange drawn on late Commissioners at Fort Mifflin, due on loans, certificates	For the support and repairs of light-houses, buoys, and public piers.	For defraying the contingent charges of Government.	For the reduction of the Public Debt.	For defraying the expenses of the Emigration of the Inhabitants of the U. States.	For satisfying miscellaneous claims.	For balances due to the French Government, to Oliver Pollock, &c.	For paying the Debt due to foreign officers.	For payments on account of the French Debt.	For effecting a subscription, in behalf of the United States, to the Bank of the U. States.	Total amount.
Balances remaining unexpended on the 31st of December, 1791, on appropriations made prior to the 23d of said month, agreeably to the schedule annexed to the general account of receipts and expenditures, rendered to the House of Representatives on the 10th of November, 1792.	168 26	45,089 15	9,774 30	674,673 17	1,269 29	13,670 23	.	.	.	.	1,794,041 13
August 4. An act providing the means of intercourse between the United States and foreign nations.	40,000 00
1791, March 3. An act to incorporate the subscribers to the Bank of the United States.	4,966,426 99
December 23. An act making appropriations for the support of Government for the year 1792.	4,000,000 00
1792, April 2. An act for finishing the Light-house on Baldhead, at the mouth of Cape Fear River, in the State of North Carolina.	1,069,523 61
An act establishing the Mint, and regulating the coin of the United States.	4,000 00
An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school, during the late war.	7,000 00
May 2. An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned.	2,453 64
May 8. An act supplementary to the act making provision for the Debt of the U. States therein specified.	672,600 00
An act to compensate the services of the late Colonel George Gibson.	191,216 90
An act concerning the claim of John Brown Cutting against the U. States.	(6)191,216 90	.	.	.	34,467 90
Amount of appropriations.	168 26	47,089 15	9,774 30	674,673 17	1,269 29	13,670 23	.	.	.	.	2,000 00
Amount of payments during the year 1793.	168 26	47,089 04	9,771 50	674,673 43	1,269 99	14,638 61	.	.	.	.	191,216 90
Balances unexpended on the 31st of December, 1793.	.	19,284 11	5,202 80	419,655 78	.	11,471 36	.	.	.	.	1,000 00
	2,000 00
	794,000 00
	19,115,678 27
	8,367,668 06
	3,147,668 28

The Public Funds.

The balance of the appropriations brought down is	-	-	-	-	\$3,147,886 32
From which deduct the following sums, being payable out of the foreign funds, viz:					
Balance payable to foreign officers				\$172,963 11	
Balance due on account of the sum requested for St. Domingo				290,736 17	
					463,699 28

Remainder, being the unsatisfied appropriations charged upon the revenue - - - 2,684,188 04

(a.) The difference between the actual dividends declared on the Public Debt to the end of the year 1791, as contained in the printed statement, and the entire interest for that year, as estimated, including the Foreign Debt.

(b.) The interest on the Debt for the year 1792, as estimated.

(c.) The sum requested by the National Assembly of France, by their decree of June 26, 1792, for the Colony of St. Domingo, four million livres.

(d.) The sum actually advanced for the Mint establishment during the year 1792.

(e.) The Debt payable to foreign officers, contemplated in the fifth section of the act supplementary to the act making provision for the Debt of the United States.

(f.) In this balance is included two years' interest on the Foreign Debt, which has been paid out of the Foreign Loans, the accounts of which remain unsettled; also, the interest on that part of the Domestic Debt which has not been funded or registered at the Treasury, so as to be entitled to a dividend; and, also, the interest due to States on the unsubscribed balances of the assumed Debt, the payment of which is at present suspended.

(g.) Warrants for \$445,263 83 had been drawn on the 31st of December, 1792, towards the Debt due to France, as stated in the Report of the Secretary of the Treasury of the 3d of January, 1793, \$10,000 of which, however, had not been paid by the Treasurer at that time, and, consequently, not charged in his accounts.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, February 14, 1793.

C.—Statement exhibiting the debts charged upon the unexpended and uncollected income of the United States, on the last day of the year 1792.

To the following sums, which stood as charges upon the excess of income stated per contra on the 31st December, 1792, viz:		By the excess of income beyond the actual disbursements of the Treasury, to the end of the year 1792, including all sums remaining uncollected at that time, as also \$2,305,769 13, the proceeds of bills of exchange drawn on the foreign funds, as stated in the account marked B, rendered to the House of Representatives on the 4th of February, 1793.	
Balances of unsatisfied appropriations, as specified in the schedule herewith, marked B	\$2,684,188 04		
Balance reserved to complete the sum requested for St. Domingo	290,736 17		
Balance reserved to complete the payment of debts due to foreign officers	172,963 11		
Debt due to the Bank of North America, for a Loan, without interest	166,596 56		
Debt due to the Bank of the United States, for a Loan for the War Department	460,000 00		
	3,704,481 88		
Balance of foreign fund not specially applied, and subject to disposition	1,388,452 23		
Surplus of revenue above the appropriations to end of 1792, agreeably to statement marked A, herewith	21,765 39		
	5,114,696 50		\$5,114,696 50

The balance of the foreign fund, as herein stated, is thus deduced, viz:

The total amount of bills drawn was	-	-	-	-	\$2,305,769 13
Deduct—					
Paid for the Colony of St. Domingo, as per statement marked B				\$435,263 83	
Paid to foreign officers, as per ditto				18,254 79	
Reserved to complete the payment for St. Domingo				290,736 17	
Reserved to complete the payment to foreign officers				172,963 11	
					917,216 90
Balance, as before stated	-	-	-	-	1,388,452 23

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, February 14, 1793.

Loans.

LOANS.

TREASURY DEPARTMENT,
February 19, 1793.

SIR: The last Letter which I had the honor to address to the House of Representatives contained a pretty full exposition of the conduct and views of this Department in regard to the Foreign Loans. There remain, however, some incidental topics which it may not be expedient to pass over in silence.

In order to carry the attention of the House immediately to a just application of the remarks which will be submitted, it is necessary to premise, that it is known to have been suggested that the proceeds of the Foreign bills drawn for to this country had no object of public utility, answered none, and were calculated merely to indulge a spirit of favoritism towards the Bank of the United States.

It has already been shown, clearly, I trust, that, but for the instrumentality of the parts of the Loan drawn for prior to April, 1792, amounting nearly to one-half of the whole sum, the purchases of the Debt which were made to that time could not have been made; and that these purchases, besides being the object designated by law for the application of the fund, were productive of positive and important advantages.

How far the operation could have been influenced by motives of favor to the Bank of the United States, the following facts will still more completely decide.

That Bank did not begin its operations till the 12th of December, 1791.

The Banks of North America and New York were the agents of the Treasury for the sale of the bills in question. They sold them, collected, and, with the exception which will be presently stated, disbursed the proceeds.

The receipts on account of those bills began in March, 1791, and concluded in March, 1792.

On the 31st of December, 1791, as the Treasurer's account before the House will show, the public cash was deposited as follows:

In the Bank of the United States	-	\$133,000 00
In the Bank of North America	-	471,972 28
In the Bank of New York	-	224,677 35
In the Bank of Massachusetts	-	65,578 22
In the Bank of Maryland	-	50,665 29
In the Bank of Providence	-	7,969 61
Making, together	-	\$953,862 75

There was then also some moneys in the Banks of North America and New York in a course of receipt which had not been passed over to the Treasurer; but all the public moneys, of whatever kind, in the Bank of the United States, are included in the above sum of \$133,000, which had arisen from the duties on imports and tonnage.

It appears, then, that, on the 31st of December, 1791, no transfer for the benefit of the Bank of the United States had been made; and that the deposits of the Government there (exclusive of the

proceeds of the bills remaining in the two Banks of North America and New York) amounted to little more than one-fourth of the deposits in the Bank of North America, and little more than one-half of those in the Bank of New York.

As late as the 1st of February, the State Banks continued to share with the Bank of the United States a large proportion of the public deposits. The state of the Treasury then was as follows, viz:

In the Bank of the United States	-	\$456,278 90
In the Bank of North America	-	151,516 32
In the Bank of New York	-	128,708 21
In the Bank of Massachusetts	-	71,215 55
In the Bank of Maryland	-	49,583 25
In the Bank of Providence	-	7,969 61
Making, together	-	\$865,271 84

A concentration of the public deposits in the Bank of the United States was a measure which grew out of the relation between that establishment and the Government; yet, instead of hastening it through favor, it was resolved to let it have a gradual course, so as to consult, in a due degree, the convenience of the other banks, and to effect it rather by letting the public disbursements fall upon the moneys in those banks than by direct transfer.

But a state of things took place in the month of February, between the Banks of the United States and North America, which rendered a more expeditious transfer than was meditated, for the mutual convenience of the two institutions.

The effect of this was, that the state of the Treasury, on the 1st of March, stood as follows:

In the Bank of the United States	-	\$692,959 06
In the Bank of Massachusetts	-	31,769 05
In the Bank of New York	-	32,352 52
In the Bank of North America	-	31,515 74
In the Bank of Providence	-	8,404 94
In the Bank of Maryland	-	34,752 85
Making, together	-	\$831,754 16

But at this time there was in the Bank of New York, from the proceeds of the Foreign bills, \$121,984 71, not transferred to the account of the Treasurer.

This accumulation, however, in the Bank of the United States was of very short duration.

On the 1st of April ensuing, the state of the public cash was as follows:

In the Bank of the United States	-	\$359,643 64
In the Bank of New York	-	254,930 41
In the Bank of North America	-	31,515 74
In the Bank of Massachusetts	-	37,712 58
In the Bank of Providence	-	7,156 65
In the Bank of Maryland	-	60,418 32
Making, together	-	\$751,377 34

A similar state of things lasted to the 1st of June, comparatively more disadvantageous to the Bank of the United States. The receipts of public revenue continued to go into the Bank of New

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York till the 1st of April, 1792, when a branch of the Bank of the United States began to operate in that city, which is the reason of the sum in the Bank of New York bearing so near a proportion to that of the Bank of the United States, and so far exceeding the Bank of North America. By this time, also, the balance of the proceeds of Foreign bills had been passed to the account of the Treasurer, yet still remaining in deposit in the Bank of New York.

These views of the state of the public cash are conformable to the Treasurer's statement of half-monthly balances, accompanying my Letter of the 13th instant.

The same statement will show that a proportion of the public deposits has continued, since the 1st of April, 1792, in the State banks—in those of North America and New York down to the end of the period which that statement embraces.

From these details, the following inferences are deducible:

That, as far as any advantages may have accrued from the deposits, on account of the Foreign bills drawn prior to April, 1792, they accrued substantially to the Banks of North America and New York, not to the Bank of the United States, or to its branches. That, in transferring the pecuniary concerns of the Government from the pre-existing banks to that of the United States and its dependencies, a cautious regard has been paid to the convenience of the former institutions, and the reverse of a policy unduly solicitous for the accommodation of the Bank of the United States has prevailed. Indeed, so much has this been the case, that it might be proved, if it were proper to enter into the proof, that a criticism has been brought upon the conduct of the Department, as consulting less the accommodation of the last-mentioned institution than was due to its relation to the Government and to the services expected from it.

But further examination will demonstrate another point, which is, that none of the establishments in question have received any accommodations which were not in perfect coincidence with the public interest, and in the due and proper course of events.

This examination will be directed towards two objects—one, the state of the Treasury at the commencement of each quarter, during the years 1791 and 1792; the other, the state of the market in regard to the prices of stock during the same years.

These periods are selected because they afford the truest criterion of the state of the Treasury, from time to time, being those at which the principal public payments are made, and for which it is necessary to be prepared by intermediate accumulations.

The state of the Treasury at the periods in question was as follows:

In the year 1791—

January 1	-	-	-	\$569,886	55
March 1	-	-	-	373,434	53
June 1	-	-	-	533,638	24
October 1	-	-	-	662,233	90

In the year 1792—

January 1	-	-	-	953,862	75
April 1	-	-	-	751,377	34
July 1	-	-	-	623,133	61
October 1	-	-	-	420,914	51

In the year 1793—

January 1	-	-	-	783,212	37
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This appears from the statements Nos. 4 and 5, forwarded with my last Letter.

The state of the stock market during the several quarters of the same years was as follows:

FIRST QUARTER OF 1791.

Six per cents.,	from	16s. 9d.	to	17s. 6d.
Three per cents.,	from	8s. 6d.	to	9s. 4d.
Deferred,	from	8s. 6d.	to	9s. 4d.

SECOND QUARTER OF 1791.

Six per cents.,	from	17s. 0d.	to	17s. 9d.
Three per cents.,	from	9s. 0d.	to	10s. 0d.
Deferred,	from	8s. 11d.	to	9s. 4d.

THIRD QUARTER OF 1791.

Six per cents.	from	17s. 10d.	to	21s. 3d.
Three per cents.,	from	9s. 9d.	to	12s. 5d.
Deferred,	from	9s. 9d.	to	12s. 10d.

As early as the 6th of August, the six per cents. had a temporary rise to 21s., but, by the 16th, they had fallen to 20s., on the 20th, they had risen to 20s. 6d., and were sometimes above that rate, but never lower during the rest of the quarter.

As early as the 23d of July, the three per cents. had reached 12s., and were sometimes higher, but never lower during the rest of the quarter.

On the 23d of July the deferred also reached 12s., and afterwards rose to 12s. 6d.

FOURTH QUARTER OF 1791.

Six per cents.,	from	20s. 4d.	to	22s. 4d.
Three per cents.,	from	12s. 2d.	to	13s. 8d.
Deferred,	from	11s. 8d.	to	13s. 6d.

The prices were lowest in the early, and highest in the latter part of the quarter.

During the whole of the month of December, the deferred was at 12s. 8d. and upwards, the greatest part of the time at 13s.

FIRST QUARTER OF 1792.

Six per cents.,	from	21s. 0d.	to	25s. 0d.
Three per cents.,	from	12s. 6d.	to	15s. 0d.
Deferred,	from	12s. 0d.	to	15s. 0d.

The low prices were, in the last ten days of March.

SECOND QUARTER OF 1792.

Six per cents.,	from	20s. 0d.	to	22s. 6d.
Three per cents.,	from	12s. 0d.	to	13s. 9d.
Deferred,	from	11s. 6d.	to	13s. 4d.

THIRD QUARTER OF 1792.

Six per cents.,	from	21s. 0d.	to	22s. 3d.
Three per cents.,	from	12s. 4d.	to	13s. 6d.
Deferred,	from	12s. 3d.	to	13s. 7d.

FOURTH QUARTER OF 1792.

Six per cents.,	from	20s. 2d.	to	21s. 9d.
Three per cents.,	from	12s. 3d.	to	13s. 6d.
Deferred,	from	11s. 10d.	to	13s. 6d.

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In October, the deferred was at the highest. The lowest prices were in the month of December.

This view of the subject is derived from a statement of prices, pursuant to actual purchases and sales, furnished by a dealer of this city, respectable for his intelligence and probity, combined with the accounts from time to time published in the Gazette of the United States. The papers marked (A x) and (B y) are transmitted for the more particular information of the House on this head.

The market prices of stock no doubt varied at other places; at some may have been higher, at others lower. At Philadelphia, too, it is believed that small sums were obtainable at particular periods, from necessitous individuals, below the prices in the statement.

But there is good ground of reliance that it is substantially a just representation of the state of the stock market during the periods to which it refers.

The state of the Treasury from the first of January to the first of October, 1791, may be said to have been at its proper level, exhibiting none, or an inconsiderable excess beyond the sum which has been mentioned as necessary to be there, and concerning which a further explanation has been promised, and will be given in the course of this Letter. The public purchases in August and September, 1791, amounted to \$349,744 99.

In the last quarter of the year 1791, beginning with the month of November, and the first quarter of the year 1792, there appears to have been an excess of some magnitude in the Treasury, being from about \$250,000 to about \$450,000. Taking the first quarter of 1792 as the truest criterion, (which it certainly was, because, at the expiration of that quarter, the payment of interest on the assumed debt began, and was to be provided for,) the real excess ought to be considered as \$250,000, with the addition of about \$80,000 then in the Bank of North America, from the proceeds of Amsterdam bills, beyond the advances of the Bank for the public service, which had not been passed into the Treasurer's account. It is proper to remark that the course of importations occasions large receipts in the latter part of each year, which circumstance contributed to the accumulation in question.

From the last of November to about the 21st of March, an investment of the excess on hand in purchases was impracticable.

To enable the House to understand what is meant by saying that purchases were impracticable during that period, it is necessary to add, that the prices of stock exceeded the limits which the Commissioners of the Sinking Fund had prescribed to themselves. Indeed, a large proportion of the time those prices were manifestly artificial, and such as predicted a great fall not far distant. The delay incurred was accordingly well compensated by the prices at which investments were afterwards made.

From the 21st of March to the 25th of April, purchases were effected to the extent of \$242,688 31 in specie; within \$80,000 or \$90,000 of what could have been spared, consistently with the rule

which has been mentioned, as proper to regulate the arrangements of the Treasury.

But two circumstances operated against a further investment—a sudden rise of prices, and a state of temporary disorder in the two principal mercantile scenes of the country, (occasioned by the excessive speculations that had preceded,) which admonished the Treasury to be cautious in its disbursements.

It results from the foregoing view of the subject, that, as far as any extraordinary sum may appear to have remained unemployed in the banks a longer term than was desirable, it proceeded essentially from a state of things which did not permit its employment, and is in no degree attributable to that spirit of favoritism towards those establishments, or any of them, which has been imagined, as the solution of appearances not rightly understood and much overrated.

The only question, then, of which the matter is susceptible is this: Was not the state of things that did take place to have been foreseen, so as to have influenced the drawing for a proportionably less sum?

This question may safely be answered in the negative.

The bills, the proceeds of which contributed to constitute the excess, which remained unemployed during the two quarters, were drawn in May, 1791. In that month, the highest prices of stock were 17s. 2d. for six per cents., 9s. 2d. for three per cents., and 9s. 3d. for deferred.

No reasonable anticipation, at this juncture, of the progressive rise of stock could have carried it in so short a time to the height which it attained, or beyond the limits within which purchases were deemed advantageous. The rapid and extraordinary rise which did ensue was, in fact, artificial and violent, such as no discreet calculation of probabilities could have pre-supposed. It, therefore, cannot impeach the prudence or expediency of having made provision, on a different supposition, for an extension of purchases.

The proceeds of the bills which were drawn subsequent to May, only began to be collected about the beginning of February, and continued in collection until the 29th of March. On the 2d of February, the sum received amounted to no more than \$13,431 33.

These last bills were drawn when the rapid rise of stock commenced, and were sold upon a credit of three months. It was a natural conjecture that a rise so sudden and violent could not be of long duration, and that a declension would shortly succeed, which would afford an opportunity of purchasing with advantage, and render the intervention of public purchases advantageous, in more than one respect. The event fully corresponded with the anticipation.

With regard to the bills drawn in April last, it has been stated that they were directed to be sold upon a credit of six months; that those drawn in July, August, and October, were made payable, one moiety in two, the other moiety in four months. Hence, with a moderate allowance for delay in the sales, the period contemplated by the arrange-

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ment for the commencement of receipts was the month of October, that for their consummation the month of February.

The inducements to the drawing of these bills have been stated. The present examination has relation merely to the question whether the Bank of the United States, by premeditation of this Department, or subsequent omissions, had enjoyed any undue advantage from the deposits of the proceeds of the bills at the end of the year 1792, the point of time to which this inquiry has reference.

The statement which has been made as to the time the moneys received to that period had remained in deposit might alone be relied upon as a sufficient answer. If delinquency can be attached to the non-employment of one or two hundred thousand dollars for a few weeks, in the money operations of a nation, it implies a minuteness of responsibility which could never be encountered with prudence, and never will be fulfilled in practice. The distractions of attention incident to a great and complicated scene of business, would alone disappoint the expectation.

But I have more than this to offer upon the present occasion. The opportunity for investing the moneys on hand, during the period in question, was not favorable. This was experienced by the Treasurer, in his endeavors to invest the fund arising from the interest on the purchased Debt. There was no part but the deferred which could be had at all within the limits prescribed. Several indications of an approaching season more advantageous for purchases were discernible, and a better employment of the money than at the then prices presented itself to the option of the Legislature. This mode of employing it formed, in my mind, part of a general plan for the regular redemption of the Public Debt, according to the right reserved to the Government. The one per cent. which might be saved was regarded as one means of constituting the proposed annuities.

Accordingly, on the 30th of November last, pursuant to a reference of the 22d of that month, and connected with the plan of redemption contemplated, I submitted to the House of Representatives a proposition for applying the moneys in question towards discharging the Debt which the Government owes to the Bank, and upon which an interest of six per cent. is payable. This was manifestly, at the time of the proposition, the most profitable use that could be made of the fund. It has been already stated that it would produce a saving, if extended to the whole two millions, worth to the Government an annual sum of twenty thousand dollars—equal to a capital of four hundred thousand dollars.

This proposition tended to accelerate the employment of the moneys on hand, in a way the most beneficial to the Government, and, consequently, to shorten the duration of the advantage to the banks of holding them by way of deposit. I submit it to the candor of the House, whether it be not full evidence that there was no disposition on my part to prolong to those institutions a benefit at the expense of the Government.

The proposition itself has not yet received the decision of the House.

Another ground upon which the suggestion of mismanagement and undue concession to the interest of the banks has been founded, respects the Domestic Loans which have been obtained. Those of them which have been made of the Bank of the United States are represented as unnecessary, tending to afford an emolument to that institution, for which the United States had no equivalent advantage.

It will conduce to a correct judgment of this matter to resume a point already touched upon, and to add here the further illustrations of it which have been promised, to wit: that it ought to be a general principle to have constantly in the command of the Treasury, at its different places of deposit, a sum of about \$500,000—a principle, too, which must be understood with reference to the beginnings of the quarters of a year, when the chief public payments are made and making.

The following observations will apply generally to the balances which appear at the commencement of each quarter. The greatest part of the interest for the preceding quarter will have been then deducted, but a part is always in a different situation.

The payment of interest upon a Public Debt, at thirteen different places, is an operation as difficult and complicated as it is new. In carrying it into execution, it is of necessity to lodge, for some time previous to the expiration of each quarter, at several of the Loan Offices, drafts of the Treasurer for the sums estimated to be necessary at those offices, with blanks for the direction, and with liberty to the respective officers to dispose of them upon different places, as a demand accrues. This arrangement has an eye to two purposes—to avoid large previous accumulations at particular points; to facilitate the placing of the requisite sums where they are wanted, without the transportation of specie. The allowing of the drafts to be disposed of on several places gives larger scope to a demand for them, and renders them more easily saleable. But it is a consequence of this, that a part of the drafts are often not placed and brought into the accounts of the Treasurer until some time after the expiration of the quarter. The fund for them of course appears on hand until the transaction is completed.

Connected with the circumstance of paying the interest upon the Public Debt at different places is this further consequence: the transfers continually going on from one office to another render it impossible to know at any moment when provision for the payment of interest is to be made, what sum is requisite at each place. Estimate must supply the want of knowledge; and, to avoid disappointment anywhere, the estimate must always be large, and a correspondent sum placed in the power of the Commissioners. This circumstance alone requires an extra sum at the different places of payment, which ought not to be computed at less than \$50,000.

Again: the sums payable on account of the Civil List, at the end of each quarter, which amount to

Loans.

about fifty thousand dollars, exclusive of what relates to the two Houses of Congress, are always in a course of payment for some time within the succeeding quarter. The fund for them, consequently, appears in the moneys on hand at the beginning of such quarter.

Again: there are constantly considerable arrears of existing appropriations, for which demands on the Treasury are at every moment possible; the times when they will be presented, and to what extent, at any given time, being in a great degree contingent. The arrears for the different objects of the War Department can seldom be estimated at less than \$150,000.

It is presumed to be a clear principle that the Treasury ought to be always ready to face such arrears as may be claimed at every instant or within any short period. An hour's distress or embarrassment, to make good a public payment already due, would be baneful to public credit. It has been a uniform maxim of the present administration of the Treasury never to risk such distress or embarrassment.

Independently, therefore, of the weighty consideration of being prepared (especially, with a war on hand, liable every moment to greater extension) for future casualties, the mere satisfaction of arrears ought to cause the constant reservation of a sum that would be moderately stated at half the sum which it has been alleged ought always to be in the Treasury. It is to be observed, that it does not often happen that the current receipts to be expected in any immediately succeeding quarter are likely to exceed the probable expenditure of the quarter. The reverse is as often the case. Hence the greater necessity of maintaining a constant surplus.

There are still other considerations of weight, in a just estimate of the point in question.

The sum stated as necessary to be always in the command of the Treasury is never in fact at the Seat of the Government, where far the greatest part of the public disbursements are to be made. The depositories of it are the several banks from Charleston to Boston. The whole sum, therefore, can never be brought into immediate action for answering the claims upon the Treasury. No part can be properly viewed as in this situation beyond New York on the one side, and Baltimore on the other. Whatever part is more remote than those points ought not to be regarded as capable of being commanded in less time, upon an average, than sixty days, making allowance for the usual delays in the sale of bills, and the usual terms of credit, which experience has shown to be convenient.

In estimating the effective sum at any time on hand in the Bank of the United States, it is necessary to be known that a practice for the simplification of the Treasurer's bank account begun with the Bank of North America, has been continued with the Bank of the United States, of this nature: the bills drawn by the Treasurer upon distant places, and deposited with the Bank for sale, are immediately passed to his credit as cash, though they are allowed to be sold at credits from thirty to sixty days, and it is understood that the proceeds are not demandable of the Bank till they

are collected. Hence, the apparent sum in the Bank of the United States is always greater than the real, sometimes to a large amount.

The deductions to be made for this circumstance are shown in the Treasurer's half-monthly statement of balances, No. 5, beginning with the 1st of June, 1792, and ending with the 1st of January, 1793. The period begun with is that when the first instalment of the Loan from the Bank was payable, and has been selected for this reason.

The propriety of these deductions appears to have been objected to, by anticipation, on two grounds—one, that the bills deposited answer all the purposes of cash, and ought to be credited as such, on the receipt of them; the other, that "there is a regular and constant influx of moneys into the Bank, by the operation of these bills, and that it is not very material whether a bill lodged in the Bank to-day should be paid to-day, provided something like the same sum should be paid in consequence of a bill lodged in Bank one or two months' ago, and the bill of to-day should be paid one or two months hence."

Neither the one nor the other of these two positions is correct.

In no sense are the notes of the purchasers of the bills, which are taken payable in thirty, forty-five, and sixty days, the same thing to a bank as cash. It is evident it could not pay its own bills with those notes. In this primary particular, therefore, the comparison fails. Neither could it make discounts upon the basis of those notes as cash; because every discount gives a right to a borrower to call and receive in coin, if he pleases, the amount of the sum discounted. Notes are not coin, nor do they confer an equal power to pay. It is true, that a bank will, in its discounts, make some calculation on expected receipts; but it can never consider them as equivalent to cash in hand, nor operate upon them in any degree to the same extent as upon equal sums in cash. If notes payable at future periods were equivalent to cash, then every discount made by a bank would confer a faculty to make another for an equal sum; for there is always a note deposited for the sum discounted, and the power of discounting might, by the mere exercise of it, become infinite. An hypothesis of this kind will never be acted upon by any prudent directors of a bank, and could not be long acted upon without ruin to the institution. It is to be observed, that the great profitable business of a bank consists in discounting.

There is but one light in which the position under examination is in any degree founded. It is this, that, were it not for the instrumentality of the bills, the specie of the Bank would be sometimes remitted for purposes which are answered by the bills. As often as this happens, they are a substitute to the Bank for cash, because they prevent equivalent sums from being carried away. But this only sometimes happens. In numerous instances, the enterprises to which the bills are subservient, would not be undertaken at all, were it not for the power of anticipation which the credits upon them afford. In many other instances, the bills of the Bank itself would be re-

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mitted instead of specie; in others, private bills would be substituted; in others, mutual credits between the merchants, to be liquidated in the course of mutual dealings, would supply the call. Hence it is only true that Treasury bills sometimes answer the purpose of cash to the Bank, whence it does not follow that they ought always to be considered and credited definitively as cash. It is also true, though in a less degree, that notes deposited with the Bank by individuals for collection, sometimes answer to it the purposes of cash; but it will be readily perceived that it would be inadmissible, as a general rule, to receive and credit them as such. The effect in both cases would be, that the Bank would make an advance of a present sum without interest, for a sum to be received in future.

An arrangement, indeed, has been for some time depending between the Bank of the United States and the Treasury, for securing to the Government the advantage of an immediate absolute credit for the bills deposited, as so much cash, to be coupled with some collateral accommodations to the Bank. But it has not yet been carried into effect. The fact heretofore has been as stated, and the reasoning, to be just, must proceed on that basis. The last of the two positions which have been cited, has still less foundation than the first.

A sum received to-day, for a bill deposited two months past, can in no view be deemed a substitute for the amount of a bill deposited to-day, to be received two months hence. It is to be remembered, that the amount of the first bill was itself credited at the time of the deposit; and that the sum received to-day on that account, can only realize the antecedent credit. It cannot represent, or be an equivalent for the future receipt upon a different bill. To affirm that it could, is to make one sum the representative of two. The consequence of the reasoning would be, that the Government ought to receive the money paid in to-day as a satisfaction, as well for the bill deposited to-day, as for that which was deposited two months past.

Making the proper deductions on account of the bills, the amount of the effective cash in the banks at Philadelphia, New York, and Baltimore, was, on the 1st of June, \$587,091 11; in other banks, there was then also the further sum of \$9,591 89, making, together, \$596,683. The amount of the effective cash on the 2d of July, in the banks at Philadelphia, New York, and Baltimore, was \$217,234 76; there were then also in the other banks, \$184,998 85; making, together, \$402,233 61. The amount of the effective cash on the 1st of October, in the banks at Philadelphia, New York, and Baltimore, was \$244,394 27; there were then also in the other banks, \$145,420 24; making, together, \$389,814 51.

The deductions for bills at the several periods were, June 1st, \$157,508 33; July 2d, \$220,900; October 1st, \$31,100; so that, including the bills at that epoch, the whole sum in the banks at Philadelphia, New York, and Baltimore, amounted to no more than \$275,494 27; the sums in the other banks, to \$145,420 24.

On the 1st of June, there were paid on account of the Debt to France, \$100,000; the day following, the first instalment of \$100,000, on account of the Loan from the Bank, was received. On the 30th of June, the second instalment of \$100,000 was received. These two instalments, amounting to \$200,000, are included in the sum of \$217,234 76, which, on the 2d of July, constituted the cash in all the banks at Philadelphia, New York, and Baltimore.

About the beginning of August, another instalment on account of the Loan of the Bank was received, and on the 29th of September, another, making, with the preceding ones, \$400,000. This sum was involved in the balance in the Treasury on the 1st of October, which, it has been seen, did not exceed in the banks at and near the Seat of the Government, including even unsold and unpaid bills, \$275,494 27; and comprehending the sums in all the other banks, amounted to no more than \$420,914 51.

From the foregoing detail, it appears that, excluding the \$200,000 received on Loan of the Bank of the United States in the month of June, there would have been, on the 2d of July, 1792, in the command of the Treasury at those places, from which immediate supplies may be derived, no greater sum than \$17,234 76; that, excluding the \$400,000 before that time received on Loan of the same Bank, there would have been on the 1st of October, 1792, an absolute deficiency within the scene described, of \$124,505 73; that the whole balance then in the Treasury, wheresoever deposited, amounted only to \$420,914 51, and, excluding the Loan of the Bank, would not have been more than \$20,914 51.

There must be some very radical error in my conceptions of the proper condition of the Treasury, if it was not in a sufficiently low state during the whole period under consideration; and if it be not demonstrated that the moneys taken of the Bank on Loan were necessary for the public service, and were obtained with a due regard to economy.

There are circumstances which still further manifest the attention which has been paid to this point. The powers given to make Loans for domestic purposes at different times, up to the 8th of May, 1792, comprehend an aggregate of \$1,053,355 74; the sums which have been actually obtained upon interest, amount to no more than \$455,000.

The contract upon which the \$400,000 were obtained, was made the 25th of May, 1792, extending to \$523,500, and contemplating the payment of \$400,000 of that sum by the Bank, in equal monthly instalments, beginning on the 1st of June, and ending the 1st of September; the residue on the 1st of January, 1793.

Previous to the making of that contract, there had been stipulated to be paid, on account of the French Debt, for the supplies to St. Domingo, \$400,000, of which one-fourth was paid in March, another fourth was payable on the 1st of June, another fourth on the 1st of September, another fourth on the 1st of December.

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Particular causes rendered it an accommodation to the agents of France, to postpone and subdivide the September instalment. A similar postponement took place with regard to the instalment payable by the Bank on the 1st of September, which was not demanded till the latter end of the month, and the remainder of the sum contracted for has not yet been demanded. The spirit of the precaution which secured to the public the privilege of making or forbearing its calls, according to circumstances, needs no comment.

There remain to be noticed two circumstances, which will serve to throw additional light upon the conduct which has been observed with regard to the sums from time to time kept on hand. A comparison of the sums in the Treasury, during the years 1791 and 1792, will contradict the idea of any disposition to suffer the public moneys to accumulate for the benefit of the Bank of the United States and its subdivisions, and will at the same time indicate the general rule which has governed. In this comparison, it is necessary to recollect that larger operations were to be performed in 1792.

It may be objected, that the rule laid down has been on several occasions exceeded. How this has happened at certain periods, has been explained. But there is a view of the subject which will throw further light upon it.

The sums which appear on hand at the end of any quarter, are always larger on a retrospective, than on a previous view. This proceeds from the following cause:

The judgment to be formed beforehand of the sums which will be received within any future period, must of necessity be regulated by the returns in the possession of the Treasury, at the time the examination is made. As these come forward with more or less punctuality, that judgment will be more or less accurate; but the appearance on the returns will always be short of the fact, because a certain number of returns, at any period of examination, will necessarily be deficient. What does not appear, must of course be essentially excluded from the calculation of the receipts to be expected within any near period; because the extent of the sums which may have accrued beyond those shown by the returns in hand, is unknown, and it is still more uncertain in what months the payments of them may fall; and the combinations of the Treasury, as to the means of fulfilling the demands upon it, ought to proceed as little as possible upon conjectures and uncertainties. Monthly abstracts of the bonds taken at each port, are the documents which serve to inform the Treasury of the progress of the receipts upon the duties of imports. From these a general abstract is made up once a month at the Treasury, for the information of the Head of the Department, showing the amount payable in each month. But very considerable differences appear from one month to another. The statement CZ will serve as an illustration. It contains a comparison of the sums shown by two successive abstracts, one of the 7th of November, the other of the 7th of December last, for a term of ten months,

distributed into monthly subdivisions. The aggregate difference upon the whole term between the two abstracts, is \$495,308 73; upon two months, beginning with November, and ending with December, it is \$151,789 40; upon a quarter beginning with January, and ending with March, it is \$174,471 66; upon a subsequent quarter, it is \$81,056 81; upon a still subsequent quarter, it is \$87,991 86. Hence it is evident that an arrangement founded upon the abstract of the 7th of November, would suppose a receipt during any part of the time embraced by it, even the most proximate, considerably less than would appear by the abstract only one month later; and it must always happen, from this circumstance, that the actual receipts, while punctuality is preserved, will exceed the anticipations of them, and that greater balances will be found to exist at any given period, than could have been beforehand safely calculated or acted upon. This circumstance, duly considered, will be a further and powerful justification of the conduct pursued generally, in relation to the moneys from time to time kept on hand, and particularly with regard to the Loans of the Bank. Low as the state of the Treasury appears to have been on a retrospective view, when the moneys upon those Loans were called for, the prospect, at each time, must have presented the appearance of a less competent supply, or a greater deficiency, than was afterwards realized.

I am not sure but that I owe an apology to the House for taking up so much of its time in obviating the imputation of partiality or favoritism towards the banks. The aspect under which I view it, admonishes me that I may have annexed to it greater importance than was intended to be given to it by its authors.

That a disposition friendly to the accommodation of those institutions, as far as might be consistent with official duty and the public interest, has characterized the conduct of the Department, will not be denied. No man, placed in the office of the Secretary of the Treasury, whatever theoretic doubts he may have brought into it, would be a single month without surrendering those doubts to a full conviction, that banks are essential to the pecuniary operations of the Government. No man, having a practical knowledge of the probable resources of the country in the article of specie, (which he would with caution rate beyond the actual revenues of the Government,) would rely upon the annual collection of \$4,500,000, without the instrumentality of institutions that give a continual impulse to circulation, and prevent the stagnation to be otherwise expected from locking up from time to time large sums for periodical disbursements, to say nothing of the accommodations which facilitate to the merchant the payment of the considerable demands made upon him by the Treasury. No man, practically acquainted with the pecuniary ability of individuals in this country, would count upon finding the means of those anticipations of the current revenue for the current service, which have been, and will be necessary, from any other source than that of the

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banks. No prudent administrator of the finances of the country, therefore, but would yield to the disposition which has been acknowledged as alike essential to the interest of the Government, and to the satisfactory discharge of his trust—a disposition which would naturally lead to good offices, within the proper and justifiable bounds.

After the explanation which has been offered, to manifest the necessity and propriety of the Loans made of the Bank, it can scarcely be requisite to enter into a refutation of the process by which it has been endeavored to establish that the Government pays 17 per cent. upon those Loans. The state of the Treasury rendered it expedient to borrow the sums which were borrowed; they have been duly received, and the rate of interest stipulated upon them is 5 per cent. The Government, then, pays upon them 5 per cent., and no more.

The history which was given in my last Letter, of the course and situation of the Foreign fund, proves that the supposition from which the inference, of paying 17 per cent. upon the Domestic Loan, has been drawn, is erroneous. The balances on hand at the respective periods in question, are the residues of the moneys which had been received from every source, including the Loans, foreign and domestic.

But, if the supposition which appears to have been made had been true, it was still impossible that 17 per cent. could have been paid. By no construction can the rate be extended beyond 10. The mean interest of the money borrowed abroad, including charges, is 5 per cent.; the interest stipulated to be paid on the Loan from the Bank is also 5; the sum of the two is 10. It is immaterial for what purpose the Foreign fund was obtained, whether to pay to France or to purchase the Debt; the worst consequence that can result is double, not treble interest. The interest payable to France is payable for moneys borrowed and spent during the war. It can never be truly said, that that interest is now payable on any existing fund, whether borrowed in Holland or borrowed in the United States, or borrowed there and re-borrowed here. It can never serve to make an addition to the cost or charges of any such fund. It is payable upon one long since procured and used.

But it is not obvious how the supposition came to be entertained, that all the moneys drawn here from the Foreign fund, had been borrowed for the payment of the Debt to France. The presumption would seem to have been more natural, that they had been principally, if not wholly, introduced with a view to purchases of the Debt, and consequently had a more special reference to the act authorizing a Loan for that purpose. And the fact is, that this was the destination of far the greatest proportion of the sums drawn for. It has been stated that a part had an eye to the supplies to St. Domingo, and that another part was introduced with a view to the payment of the foreign officers.

The additional observations to which I shall request the attention of the House will apply to the course and state of the Sinking Fund, concerning which I transmitted with my last communication three statements, numbered I, II, and III.

To give a more collected view of this part of the subject, it may be of use to include here a recapitulation of some ideas which have been stated in other places.

It is the course and practice of the Department, for all public moneys, from whatever source proceeding, to pass into the Treasury, and there form a common mass, subject, under the responsibility of the officers of the Department, to the dispositions which have been prescribed by law.

The surplus at the end of the year 1790, appropriated to the Sinking Fund, amounting to \$1,374,656 40, went, as it was received, into the Treasury.

All the proceeds of the bills drawn upon the Foreign fund, prior to April, 1792, except the sum of \$177,998 80, left in deposit with the Bank of North America, for reasons which have been explained, passed from time to time into the Treasury. The whole amount of the sums paid in is \$907,294 23.

The proceeds of the bills drawn for, in, and subsequent to, April, 1792, have not yet passed into the Treasury, for reasons which have been likewise assigned. It would have been done before this time, as far as the receipts had gone, but for the present inquiry, which temporarily suspended it. I thought it best to make no alteration in the state of things as they stood when it began, at least till all the information desired had been given. Measures will now be taken for a settlement of the accounts, and for a transfer of the proceeds. The whole amount of those bills, paid and unpaid, including an estimated sum of interest, will be, as heretofore stated, \$1,220,476 10.

The whole amount of the bills drawn is \$2,305,769 13.

Out of the Sinking Fund composed of the surplus of the revenue, to the end of 1790, and the proceeds of the Foreign bills, there were issued from the Treasury, and expended in purchases, to the end of 1792, \$957,770 65.

For reasons which have been stated, it was finally deemed advisable to place those purchases wholly to the account of the surplus of 1790.

Consequently, there remained on the 1st of January, of the present year, \$416,885 75, of the above-mentioned surplus, unapplied to purchases; and the whole of the Foreign Fund, except the sum of \$726,000, paid, and reserved to be paid, for the use of the Colony of St. Domingo, and the sum of \$191,316 90 paid, and reserved to be paid, to the foreign officers, became free for future application. The balance of the proceeds of the bills, after deducting for those reservations, is \$1,368,452 22.

Since the 1st of January, 1793, there have been issued, on account of the Foreign Fund, for purchases, \$284,901 89.

The practice has uniformly been, not to separate any of the moneys belonging to the Sinking Fund, from the common mass of the moneys in the Treasury, but in proportion to the occasions of investing them in purchases.

Hence the sum of \$957,770 65, issued previous to the present year, and the sum of \$284,901 89 including the present year, making, together, \$1,242,-

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672 54, are all the moneys which have been ever separated from the common mass of the Treasury, for the purpose of the Sinking Fund; the whole of which, except \$49,282 74, have been actually expended in purchases.

The unapplied sum remains deposited in the Bank of the United States, except a small balance of \$61 76 in the hands of William Heth.

From the above rule, the part of the Sinking Fund arising from interest on the Debt extinguished by purchases or otherwise, is to be excepted. The practice hitherto, has been to include this interest in the general dividend of each quarter, and the warrant issued to the cashier of the Bank for paying it. The statement No. 3, accompanying my last letter, shows the application of this fund hitherto.

The law directs that this fund shall be invested within thirty days after each quarter. This provision began to take effect on the 1st of July last.

But the investments were not made within the respective times prescribed. This proceeded partly from the state of the market, and partly from the regulations adopted by the Commissioners, who were the Secretary of State, the Attorney General, and the Secretary of the Treasury.

Their regulations, applying to the two first quarters, limited the prices to certain rates, and prescribed the mode of sealed proposals. The Treasurer was appointed agent for the Commissioners.

The proposals, with regard to the first quarter, were receivable till 28th of July inclusively; none were offered, as the Treasurer reported to me, and nothing was done.

The experiment of sealed proposals was again tried the second quarter, with somewhat more, though with but little success. The restriction to this mode of proceeding was rescinded, on the last day of the thirty allowed for purchasing, and some further purchases were made, but the whole sum invested was only \$25,969 96.

The residue of this fund, except some small sums noted at foot of statement No. 3, was in January past.

The unapplied part of the surplus of 1790 having been expended in aid of the receipts of 1791, according to the provision which was made for that purpose, will remain suspended until the future receipts shall so far exceed the current disbursements as to produce a surplus for replacing it.

In computing the amount of the unapplied Foreign Fund, it is necessary to take into the account the payments made from it during the years 1791 and 1792, on account of the interest of the Foreign Debt.

Provision having been made for paying this interest out of the Domestic revenues, the sums which have been paid on that account, from the Foreign Fund, are to be considered in the same light as if they had been transferred here by drafts.

The amount paid at Amsterdam is one million six hundred thirty-three thousand one hundred and eighty-nine guilders and two stivers, equal at 3 64-11 ninetieths per guilder, to \$659,874 34.

There will be additions to be made, which are not at present ascertained.

Adding this sum to the proceeds of the bills, and

deducting the sums paid and to be paid for St. Domingo, and the foreign officers, and those applied to purchases during the present year, there will remain a sum of \$1,763,424 68, subject to a future application.

Of this sum, \$1,715,098 11 will be properly applicable to the purchase of the Debt. But circumstances may render it eligible to appropriate a part of it towards the discharge of the Foreign Debt.

From the plan which has been pursued, it is also liable to this application.

I have the honor to annex to the statements heretofore transmitted, those in the printed schedules marked A, B, and C.

A, exhibits the relative state of revenue and appropriations, to the end of 1792. B, the relative state of appropriations and expenditures to the same period; showing the balance unsatisfied of each head of appropriation. C, applies these statements to an explanation of the demands or charges upon the excess of income, beyond the disbursements, to the end of 1792.

In addition to these are two statements, marked D and E.

D, showing what proportion of the balances unsatisfied of the several appropriations are likely to be real expenditures, and what part are not likely to be so. In this, however, in several instances, probability must guide, the nature of the thing not admitting of certainty.

E, showing the cash on and upon the first of January last, and likely to be received from that day to the first of April next, and the sums paid and payable during that period.

The result, founded upon facts, contradicts very essentially that statement, which aims at showing the ability of the Treasury, besides defraying the current expenses of the quarter, to pay off two millions to the Bank; still leaving a balance in favor of the Treasury of \$664,263 54.

It shows that, after satisfying the demands for which the Treasury is bound to be prepared, including a payment to the Bank of only one-tenth part of the \$2,000,000, of which the statement alluded to supposes the complete payment, there would remain a balance in favor of the Treasury of no more than \$664,180 89.*

It could answer no valuable purpose to delay the House with a particular examination of the various misapprehensions which have led to a result so different from the true one. It will be sufficient, as an example, to state a single instance. It is assumed as an item in the calculation, that a sum of a million of dollars will come into the Treasury by the first of April, on account of the revenue of the current year; while the probability is, that the sum received may not exceed ten thousand dollars; this presumption of a million is evidently founded upon two mistakes.

1st. It proceeds on the basis of an annual revenue of four millions of dollars, and supposes this sum equally distributed between the different quarters of the year, a million to each quarter; when,

* The sum here mentioned was omitted, through hurry, to be inserted in the original, the blank is here filled conformably to the statement E.

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in fact, there are two seasons of the year incomparably more productive than the other parts of it, viz: Those portions of the Spring and Fall which are embraced by the second and third quarters; the first and fourth being far less productive.

2d. It supposes all the duties which accrue are immediately paid; whereas the cases of prompt payment are confined to those in which the duties on particular articles imported in one vessel, by one person or co-partnership, do not exceed fifty dollars; in all other instances, a credit not less than four months is allowed, which carries the payment on the importations, upon the very first day of the quarter, a month beyond the expiration of it.

If the whole amount of the duties, which ac-

crued during the first quarter of 1792, in cash and bonds, was no more than \$307,163 84, adding one seventh for the additional duties, it ought, by analogy, to be the first quarter of the present year, \$322,472 94; less, in totality, than the sum which it has been computed would be actually in money in the Treasury, by \$677,527 06; and less, by the whole million, nearly, than will probably be in money in the Treasury on that account.

With perfect respect, I have the honor to be, sir, your most obedient and most humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

The Hon. the SPEAKER
of the House of Representatives.

ESTIMATE OF APPROPRIATIONS.

Estimate of the expenditures for the Civil List of the United States, together with the incidental and contingent expenses of the several Departments and Offices, for the year 1793.

[Published by the order of the House of Representatives, and referred to in the Secretary's Report of November 30, *ante* page 1162.]

The Secretary of the Treasury respectfully reports to the House of Representatives the estimates herewith sent, marked A, B, and C.

The first, relating to the Civil List, or the expenditure for the support of Government during the year 1793, including the incidental and contingent expenses of the several Departments and Offices, amounting to - - - - - \$352,466 39

The second, relating to certain deficiencies in former appropriations for the support of Government, to a provision in aid of the fund heretofore established for the payment of certain officers of the Courts, jurors, witnesses, &c., to the support of the light-houses, beacons, buoys, and public piers, and to certain other purposes specified therein - - - - - 92,599 66

The third, relating to the War Department, showing the probable expenditure of that Department for the year 1793, including a sum of \$82,245 32 for pensions to invalids - - - - - 1,171,719 05

Amounting, together, to - - - - - 1,616,785 10

The funds out of which appropriations may be made for the foregoing purposes, are: 1st. The sum of \$600,000 reserved annually for the support of Government out of the duties on imports and tonnage, by the act making provision for the Debt of the United States. 2d. The surplus which may remain unexpended, of the sums appropriated to the use of the War Department for the year 1792. 3d. The unappropriated surplus of the existing revenues to the end of the year 1793; which funds, it is believed, will prove adequate to the object, as is illustrated in the schedule herewith transmitted, marked D. But as some deficiency may possibly happen, and as partial anticipations of the revenue will probably be requisite to face the demands for the public service, as they accrue, it appears to be essential that a power to borrow should accompany the grant.

The Secretary begs leave also to present, for the information of the House of Representatives, two statements (marked E and F) of the expenditure of two several sums: one of \$50,000, and the other of \$5,000, heretofore appropriated "towards discharging such demands on the United States, not otherwise provided for, as should have been ascertained and admitted in due course of settlement at the Treasury, and which should be of a nature according to the course thereof, to require payment in specie."

All which is humbly submitted.

ALEXANDER HAMILTON, *Secretary of the Treasury.*

TREASURY DEPARTMENT, November 14, 1792.

ESTIMATE.

For compensation to the President of the United States - - - - -	\$25,000 00
That of the Vice President - - - - -	5,000 00
Compensation to the Chief Justice - - - - -	4,000 00
Compensation of five Associate Judges, at \$3,500 per annum each - - - - -	17,500 00

*Estimate of Appropriations.***Compensation of the Judges of the following Districts, viz :**

Maine -	-	-	-	-	-	\$1,000 00
New Hampshire -	-	-	-	-	-	1,000 00
Vermont -	-	-	-	-	-	800 00
Massachusetts -	-	-	-	-	-	1,200 00
Rhode Island -	-	-	-	-	-	800 00
Connecticut -	-	-	-	-	-	1,000 00
New York -	-	-	-	-	-	1,500 00
New Jersey -	-	-	-	-	-	1,000 00
Pennsylvania -	-	-	-	-	-	1,600 00
Delaware -	-	-	-	-	-	800 00
Maryland -	-	-	-	-	-	1,500 00
Virginia -	-	-	-	-	-	1,800 00
Kentucky -	-	-	-	-	-	1,000 00
North Carolina -	-	-	-	-	-	1,500 00
South Carolina -	-	-	-	-	-	1,800 00
Georgia -	-	-	-	-	-	1,500 00
Compensation to the Attorney General -	-	-	-	-	-	1,900 00

MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES; AND THEIR OFFICERS.

To the Speaker of the House of Representatives, for his compensation to the 3d of March, 1793—119 days, at \$12 per day -	\$1,428 00	
Also, for compensation to the Speaker of the 3d Congress, for the residuary time, so as to estimate for six months' attendance in one year, at \$12 per day -	762 00	
	<u>2,190 00</u>	\$2,190 00
To 96 members to 3d of March, 1793—119 days, at \$6 per day -	60,972 00	
For compensation to 134 members of the 3d Congress for the residuary time, so as to estimate for six months' attendance in one year, at \$6 per day each -	42,744 00	
	<u>103,716 00</u>	112,716 00
Travelling expenses to and from the Seat of Government -	-	20,000 00
To the Secretary of the Senate, one year's salary -	1,500 00	
Additional allowance, estimated for six months, at \$2 per day -	365 00	
	<u>1,865 00</u>	1,865 00
Principal clerk to the Secretary of the Senate for the same time, at \$3 per day -	-	547 50
Engrossing clerk to the Secretary of the Senate, estimated for the same time, at \$2 per day -	-	365 00
Chaplain to the Senate, estimated for the same time, at \$500 per annum -	-	250 00
Doorkeeper to the Senate, one year's salary -	-	500 00
Assistant Doorkeeper to the Senate, one year's salary -	-	450 00
Clerk of the House of Representatives, for one year's salary -	-	1,500 00
Additional allowance, estimated for six months, at \$2 per day -	-	365 00
Principal clerk in the Office of the Clerk of the House of Representatives, estimated for 6 months, at \$3 per day -	-	547 50
Engrossing clerk, estimated for same time, at \$2 per day -	-	365 00
Chaplain to the House of Representatives, estimated for six months, at \$500 per annum -	-	250 00
Sergeant-at-Arms for same time, at \$4 per day -	-	730 00
Doorkeeper of the House of Representatives, estimated at one year's salary -	-	500 00
Assistant Doorkeeper to the House of Representatives, estimated at one year's salary -	-	450 00
		<u>143,591 00</u>

TREASURY DEPARTMENT.

Secretary of the Treasury -	-	-	-	3,500 00
Two principal clerks, at \$800 each -	-	-	-	1,600 00
Six clerks, at \$500 -	-	-	-	3,000 00
Messenger and office keeper -	-	-	-	250 00
				<u>8,350 00</u>

Estimate of Appropriations.

TREASURY DEPARTMENT—Continued.

Comptroller of the Treasury	-	-	-	-	\$2,400 00	
Principal clerk	-	-	-	-	800 00	
Twelve clerks, at \$500 each	-	-	-	-	6,000 00	
Messenger and office-keeper	-	-	-	-	250 00	
						\$9,450 00
Treasurer	-	-	-	-	2,400 00	
Principal clerk	-	-	-	-	600 00	
Two clerks, at \$500 each	-	-	-	-	1,000 00	
Messenger and office-keeper	-	-	-	-	100 00	
						4,100 00
Commissioner of the Revenue	-	-	-	-	1,900 00	
Three clerks on the business of the revenue, &c.	-	-	-	-	1,500 00	
One clerk on the business of the light-houses, beacons, buoys, public piers, and stakeage	-	-	-	-	500 00	
Messenger and office-keeper	-	-	-	-	200 00	
						4,100 00
Auditor of the Treasury	-	-	-	-	1,900 00	
Principal clerk	-	-	-	-	800 00	
Fifteen clerks, at \$500 each	-	-	-	-	7,500 00	
Messenger and office-keeper	-	-	-	-	250 00	
						10,450 00
Register of the Treasury	-	-	-	-	1,750 00	
Three clerks on the impost, tonnage, and excise accounts	-	-	-	-	1,500 00	
Two clerks on the books and accounts relative to the exports	-	-	-	-	1,000 00	
Two clerks on the books of receipts and expenditures of public moneys, at \$500	-	-	-	-	1,000 00	
One clerk for recording ships' registers and licenses	-	-	-	-	500 00	
Three clerks for drawing out, checking, issuing, and taking receipts for certificates of the Domestic and Assumed Debts	-	-	-	-	1,500 00	
Four clerks on the books of the general and particular Loan offices, comprehending the interest accounts and unclaimed dividends at the several Loan offices	-	-	-	-	2,000 00	
Seven clerks on the books and records which relate to the public creditors, on the several descriptions of stock and transfer	-	-	-	-	3,500 00	
Four clerks on the books and records of the registered Debt, including the payment of its interest	-	-	-	-	2,000 00	
Two clerks to complete the arrangement of the public securities, in books prepared for their reception, in numerical order	-	-	-	-	1,000 00	
Two clerks on the books of the late Government	-	-	-	-	1,000 00	
One transcribing clerk	-	-	-	-	500 00	
Two office-keepers, incident to the several offices of the Register, at \$175	-	-	-	-	350 00	
						17,600 00
Two clerks appointed to count and examine the old and new emissions of Continental money and indents, at \$500 each	-	-	-	-	1,000 00	
						\$55,050 00

DEPARTMENT OF STATE.

The Secretary of State	-	-	-	-	3,500 00	
One chief clerk	-	-	-	-	800 00	
Three clerks, at \$500 each	-	-	-	-	1,500 00	
Clerk for foreign languages	-	-	-	-	250 00	
Messenger and office-keeper	-	-	-	-	250 00	
						6,300 00

DEPARTMENT OF WAR.

Secretary of the Department	-	-	-	-	3,000 00	
Principal clerk	-	-	-	-	800 00	
Six clerks at \$500 each	-	-	-	-	3,000 00	
Messenger and office-keeper	-	-	-	-	250 00	
						7,050 00
Accountant to the War Department	-	-	-	-	1,200 00	

Estimate of Appropriations.

WAR DEPARTMENT.—Continued.

Six clerks, (one on the principal books, two on the accounts of the late Army, two on the accounts of the present Army, and one on the principal books of the late Paymaster General and Commissioner of Army accounts,) at \$500 each	-	-	-	-	-	\$3,000 00	
							\$4,200 00
							\$11,250 00

BOARD OF COMMISSIONERS FOR THE SETTLEMENT OF THE ACCOUNTS BETWEEN THE UNITED STATES AND THE INDIVIDUAL STATES.

Three Commissioners, at \$2,250 each	-	-	-	-	-	6,750 00	
One chief clerk, at \$800	-	-	-	-	-	800 00	
Eleven clerks, at \$500 each	-	-	-	-	-	5,500 00	
Messenger and office-keeper	-	-	-	-	-	250 00	
							13,300 00

LOAN OFFICERS.

For New Hampshire	-	-	-	-	-	650 00	
For Massachusetts	-	-	-	-	-	1,500 00	
For Rhode Island	-	-	-	-	-	600 00	
For Connecticut	-	-	-	-	-	1,000 00	
For New York	-	-	-	-	-	1,500 00	
For New Jersey	-	-	-	-	-	700 00	
For Pennsylvania	-	-	-	-	-	1,500 00	
For Delaware	-	-	-	-	-	600 00	
For Maryland	-	-	-	-	-	1,000 00	
For Virginia	-	-	-	-	-	1,500 00	
For North Carolina	-	-	-	-	-	1,000 00	
For South Carolina	-	-	-	-	-	1,000 00	
For Georgia	-	-	-	-	-	700 00	
							13,250 00

GOVERNMENT OF THE WESTERN TERRITORY.

District northwest of the river Ohio, Governor for his salary as such, and for discharging the duties of Superintendent of Indian Affairs, Northern department	-	-	-	-	-	2,000 00	
The Secretary of said district	-	-	-	-	-	750 00	
For stationery, office rent, and printing patents for land, &c	-	-	-	-	-	350 00	
The three Judges at \$800 each	-	-	-	-	-	2,400 00	
District southwest of the river Ohio, Governor for his salary as such, and for discharging the duties of Superintendent of Indian Affairs, Southern department	-	-	-	-	-	2,000 00	
Secretary of said district	-	-	-	-	-	750 00	
Stationery, office rent, &c.	-	-	-	-	-	350 00	
Three Judges, at \$800	-	-	-	-	-	2,400 00	
							11,000 00

PENSIONS GRANTED BY THE LATE GOVERNMENT.

Isaac Van Voert, } A pension of \$200 per annum, pursuant to an John Paulding, } act of Congress of 3d November, 1780	-	-	-	-	-	600 00	
David Williams, }							
Dominique L'Eglize, per act of Congress of 8th August, 1782	-	-	-	-	-	120 00	
Joseph Traversie, per act of Congress of 8th August, 1782	-	-	-	-	-	120 00	
Youngest son of General Mercer, per act 8th April, 1782	-	-	-	-	-	400 00	
Youngest children of the late Major General Warren, per act 1st July, 1780	-	-	-	-	-	450 00	
James McKensie, } Per act of 10th September, 1783, entitled to a Joseph Brussels, } pension of \$40 each per annum.	-	-	-	-	-	120 00	
John Jordan, }							
Elizabeth Bergen, per act of 21st August, 1781	-	-	-	-	-	53 33	
Joseph De Beauveau, per act of 5th August, 1782	-	-	-	-	-	100 00	
Richard Gridley, per acts of 17th November, 1775, and 26th February, 1781	-	-	-	-	-	444 40	
Lieutenant Colonel Tousard, per act of 27th October, 1788	-	-	-	-	-	360 00	
							2,767 73
Grant to Baron Steuben—his annual allowance by act of Congress							2,500 00

Estimate of Appropriations.

FOR INCIDENTAL AND CONTINGENT EXPENSES RELATIVE TO THE CIVIL LIST ESTABLISHMENT.

Under this head are comprehended firewood, stationery, together with printing work, and all other contingent expenses of the two Houses of Congress, rent, and office expenses of the three several Departments, viz: Treasury, State, and War, and of the General Board of Commissioners.

Secretary of the Senate, his estimate	-	-	-	-	\$3,000 00	
Clerk of the House of Representatives, his estimate to 3d of March, 1793	-	-	-	-	\$4,152 00	
Provisionary for the 3d Congress	-	-	-	-	2,400 00	
						\$6,552 00
						\$9,552 00

TREASURY DEPARTMENT.

Secretary of the Treasury, per estimate	-	-	-	-	500 00	
Comptroller of the Treasury, per estimate	-	-	-	-	600 00	
Treasurer, per estimate	-	-	-	-	450 00	
Commissioner of the Revenue, per estimate	-	-	-	-	300 00	
Auditor of the Treasury, per estimate	-	-	-	-	600 00	
Register of the Treasury, (including books for the public stocks,) per estimate	-	-	-	-	2,000 00	
Rent of the Treasury	-	-	-	-	650 00	
Rent of a house taken for a part of the office of the Register	-	-	-	-	200 00	
Rent of a house for the office of the Commissioner of the Revenue, and for part of the office of the Comptroller, and part of the office of the Register	-	-	-	-	266 66	
Rent of a house for the office of the Auditor, and a small store for public papers	-	-	-	-	373 33	
Wood for the Department, (Treasurer's excepted,) candles, &c.	-	-	-	-	1,200 00	
						7,139 99

DEPARTMENT OF STATE.

Including the expense attending the collection of the laws of the several States, for publishing the laws of the second session of the second Congress of the United States, and printing an edition of the same, to be distributed agreeably to law, for the collection of newspapers from the different States, and gazettes from abroad	-	-	-	-	-	1,851 67
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DEPARTMENT OF WAR.

Secretary of War, per estimate	-	-	-	-	600 00	
Accountant to the War Department	-	-	-	-	300 00	
						900 00
General Board of Commissioners, per estimate	-	-	-	-	-	814 00
Total	-	-	-	-	-	352,466 39

JOSEPH NOURSE, *Register.*TREASURY DEPARTMENT, *Register's Office, November 8, 1792.*

An additional estimate for making good deficiencies for the support of the Civil List Establishment; for aiding the Fund appropriated for the payment of certain officers of the Courts, jurors, and witnesses; for the support of light-houses; and for the establishment of ten cutters, and for other purposes.

FOR THE SALARIES OF CERTAIN OFFICERS, BY AN ACT MAKING ALTERATIONS IN THE TREASURY AND WAR DEPARTMENTS.

Salary of the Commissioner of the Revenue from the 8th of May, 1792, to the 31st of December following, at nineteen hundred dollars per annum	-	\$1,238 93
Salary of three clerks, on the business of the revenue, same time, at five hundred dollars per annum, each	-	978 09
Salary of one clerk on the business of the light-houses, beacons, buoys, public piers, and stakeage, at five hundred dollars per annum, for same time	-	326 03

Estimate of Appropriations.

SALARIES, &c.—Continued.

Salary of messenger, at two hundred dollars per annum, for same time	\$130 41	
Contingent expenses for procuring desks and other furniture, stationery, &c.	200 00	
Salary of the Accountant to the War Department, from the 8th of May to the 31st December following, at twelve hundred dollars per annum	782 46	
Salary of his clerk, from the 23d of July to the 31st of December following, at five hundred dollars per annum	220 10	
Contingent expenses for his office	163 33	
Salary of each of the two principal clerks to the Secretary of the Treasury, at eight hundred dollars per annum each, for the same period	1,043 28	
Salary of a clerk to the Treasurer, from the 18th of June to the 31st of December, 1792, at five hundred dollars per annum	269 86	
For the increased salary of the Comptroller of the Treasury, from the 8th of May, 1792, to the 31st of December following, at four hundred dollars per annum	260 82	
For the increased salary of the Auditor of the Treasury, from the 8th of May, 1792, to the 31st of December following, at four hundred dollars per annum	260 82	
Do. of the Treasurer for same time, at four hundred dollars per annum	260 82	
Do. of the Register for same time, at five hundred dollars per annum	326 03	
Do. of the Attorney General for same time, at four hundred dollars per annum	260 82	
Do. of the chief clerk in the War Department, same time, at two hundred dollars per annum	103 41	
		\$6,852 21
To make good deficiencies for the support of the Civil List, viz:		
To the Clerk of the House of Representatives for amount of his estimate	\$302 00	
And for the pay of Bernard Webb, his principal clerk, from 1st of July to the 1st October, 1792—ninety-two days, at three dollars per day	276 00	
		578 00
For so much short estimated for the contingent expenses of the office of the Secretary of State	93 34	
Do. for the contingent expenses of the Treasury Department, the payments whereof, to the 30th of September, 1792, having exceeded the said appropriations by the sum of	1,500 00	
Estimated amount of expenses to the 31st of December, 1792	900 00	
		2,400 00
For so much short appropriated for the office of the Register of the Treasury, the estimate for 1792 having been for only one office-keeper; whereas, from the increased number of offices, and their being kept in separate houses, two office-keepers were required, and have been employed at one hundred and seventy-five dollars each	350 00	
Deduct appropriation for one	250 00	
		100 00
		3,171 34
For the salaries of the Doorkeepers and Assistant Doorkeepers to the Senate and House of Representatives, under the act for their compensation, passed the 12th of April, 1792:		
For the salary of the Doorkeeper of the Senate, from the 9th of May, 1792, to the 31st of December following, at five hundred dollars per annum	324 65	
For the salary, for the same time, for the Doorkeeper of the House of Representatives, at five hundred dollars per annum	324 65	
For the salary to the Assistant Doorkeeper to the Senate, for the same time, at four hundred and fifty dollars per annum	292 19	
For the salary to the Assistant Doorkeeper to the House of Representatives, for same time, at four hundred and fifty dollars per annum	292 19	
		1,233 68
Commissioners of Loans in the several States, for the salaries of their clerks, and for stationery, under the act passed the 8th May, 1792:		
By their accounts, rendered to the 31st of December, 1791, an additional appropriation is requisite, of	1,650 00	

Estimate of Appropriations.

SALARIES, &c.—Continued.

From their accounts, already rendered for the present year, the following sums are estimated for each office to the 31st of December, 1792, the aggregate whereof is calculated sufficient to cover all demands to that period, viz:

William Gardner, New Hampshire	-	-	-	-	-	\$650 00	
Nathaniel Appleton, Massachusetts	-	-	-	-	-	4,781 52	
Jabez Bowen, Rhode Island	-	-	-	-	-	1,073 24	
William Imlay, Connecticut	-	-	-	-	-	1,984 00	
John Cochran, New York	-	-	-	-	-	5,777 68	
James Ewing, New Jersey	-	-	-	-	-	500 00	
Thomas Smith, Pennsylvania	-	-	-	-	-	2,209 34	
James Tilton, Delaware	-	-	-	-	-	200 00	
Thomas Harwood, Maryland	-	-	-	-	-	1,013 70	
John Hopkins, Virginia	-	-	-	-	-	3,714 56	
William Skinner, North Carolina	-	-	-	-	-	844 44	
John Neufville, South Carolina	-	-	-	-	-	1,500 00	
Richard Wyllie, Georgia	-	-	-	-	-	364 60	
To extend their allowance for said expenses to the 31st of March, 1793, in conformity with said act	-	-	-	-	-	7,000 00	
							\$35,063 28
Clerks of Courts, jurors, witnesses, &c., the fund arising from fines, forfeitures, and penalties, having last year proved insufficient for the discharge of the accounts of clerks of Courts, &c., to which they were appointed; a sum for the present year is estimated, in order to provide against a similar contingency, of							
							12,000 00
For the maintenance and support of light-houses, beacons, buoys, public piers, and stakeage of channels, bars, and shoals, and for occasional improvements in the construction of the lanthorns and of the lamps and materials used therein							
							2,000 00
For the establishment of ten cutters, deficiency in the appropriation heretofore made for building and equipping ten cutters							
							3,000 00
For the purchase of hydrometers, for the use of the officers of the Customs and Inspectors of the Revenue, for the year 1793							
					\$1,500 00		
And to make good so much short estimated for 1792							
					610 10		
							2,110 10
For the expenses towards the safe keeping and prosecution of persons committed for offences against the United States							
							4,000 00
For the payment of Robert Fenner, late Agent for the North Carolina line, his commission to one per cent. on \$16,905 38 cents, paid to the officers of the said line, for their pay and subsistence for the years 1782 and 1783							
							169 05
For the discharge of such demands against the United States not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie							
							5,000 00
							<u>92,599 66</u>

TREASURY DEPARTMENT, REGISTER'S OFFICE, *November 8, 1792.*

JOSEPH NOURSE, *Register.*

Estimate of the expenses of the War Department for the year 1793.—The Legion of the United States.—Pay.

GENERAL STAFF.

1 Major General	-	-	-	-	at 166 dollars per month	-	-	\$1,992 00
4 Brigadier Generals	-	-	-	-	104 do	-	-	4,992 00
1 Major Commandant of Artillery	-	-	-	-	55 do	-	-	660 00
1 Major of Dragoons	-	-	-	-	55 do	-	-	660 00
1 Quartermaster General	-	-	-	-	100 do	-	-	1,200 00
1 Paymaster at headquarters	-	-	-	-	60 do	-	-	720 00
1 Adjutant General, to do the duty as inspector	-	-	-	-	75 do	-	-	900 00
1 Chaplain	-	-	-	-	50 do	-	-	600 00

Estimate of Appropriations.

GENERAL STAFF—Continued.					
1	Surgeon of the Staff	- - -	at 70 dollars per month	- - -	\$840 00
1	Deputy Quartermaster	- - -	50 do	- - -	600 00
2	Aids-de-camp to the Major General, in addition to their pay in the line	- - -	24 do	- - -	576 00
4	Aids-de-camp, one for each of the Brigadiers, in addition to their pay in the line	- - -	24 do	- - -	1,152 00
4	Brigade Majors, to act as deputy inspectors, in addition to their pay in the line	- - -	24 do	- - -	1,152 00
6	Surgeons' Mates for the hospitals, for the Western and Southern frontiers	- - -	30 do	- - -	2,160 00
1	Principal Artificer	- - -	40 do	- - -	480 00
1	Second Artificer	- - -	26 do	- - -	312 00
FIELD.—The first sub-Legion—					
3	Majors, at 50 dollars per month	- - -	- - -	- - -	1,900 00
STAFF.					
1	Sub-Legionary Paymaster	- - -	at 10 dollars per month	- - -	\$120 00
1	Sub-Legionary Quartermaster	- - -	8 do	- - -	96 00
3	Battalion Quartermasters	- - -	8 do	- - -	288 00
3	Adjutants	- - -	10 do	- - -	360 00
1	Sub-Legionary Surgeon	- - -	45 do	- - -	540 00
3	Battalion Surgeons' Mates	- - -	30 do	- - -	1,080 00
3	Sergeant Majors	- - -	7 do	- - -	252 00
3	Quartermaster Sergeants	- - -	7 do	- - -	252 00
					2,968 00
One Company of Artillery—					
1	Captain	- - -	40 do	- - -	480 00
2	Lieutenants	- - -	26 do	- - -	624 00
4	Sergeants	- - -	6 do	- - -	288 00
4	Corporals	- - -	5 do	- - -	240 00
10	Artificers	- - -	8 do	- - -	960 00
40	Privates	- - -	3 do	- - -	1,440 00
2	Musicians	- - -	4 do	- - -	96 00
					4,128 00
One Troop of Horse—					
1	Captain	- - -	40 do	- - -	480 00
1	Lieutenant	- - -	26 do	- - -	312 00
1	Cornet	- - -	20 do	- - -	240 00
6	Sergeants	- - -	6 do	- - -	432 00
6	Corporals	- - -	5 do	- - -	360 00
1	Farrier	- - -	8 do	- - -	96 00
1	Saddler	- - -	8 do	- - -	96 00
1	Trumpeter	- - -	4 do	- - -	48 00
65	Dragoons	- - -	3 do	- - -	2,340 00
					4,404 00
Eight Companies of Infantry—					
8	Captains	- - -	40 do	- - -	3,840 00
8	Lieutenants	- - -	26 do	- - -	2,496 00
8	Ensigns	- - -	20 do	- - -	1,920 00
48	Sergeants	- - -	6 do	- - -	3,456 00
48	Corporals	- - -	5 do	- - -	2,880 00
1	Senior Musician	- - -	6 do	- - -	72 00
15	Musicians	- - -	4 do	- - -	720 00
648	Privates	- - -	3 do	- - -	23,328 00
					38,712 00
Four Companies of Riflemen—					
4	Captains	- - -	40 do	- - -	1,920 00
4	Lieutenants	- - -	26 do	- - -	1,248 00
4	Ensigns	- - -	20 do	- - -	960 00
24	Sergeants	- - -	6 do	- - -	1,728 00
24	Corporals	- - -	5 do	- - -	1,440 00
4	Buglers	- - -	4 do	- - -	192 00
328	Privates	- - -	3 do	- - -	11,808 00
					19,296 00
					<u>71,328 00</u>

Estimate of Appropriations.

STAFF—Continued.

Amount of Pay of the Legion of the United States—

General Staff	-	-	-	-	-	-	-	-	-	\$18,996 00
The first sub-Legion	-	-	-	-	-	-	-	-	-	71,328 00
The second sub-Legion, to the same amount	-	-	-	-	-	-	-	-	-	71,328 00
The third sub-Legion, do	-	-	-	-	-	-	-	-	-	71,328 00
The fourth sub-Legion, do	-	-	-	-	-	-	-	-	-	71,328 00

SUSTINENCE.

1 Major General	-	-	at 15 rations per day	-	-	-	-	-	-	-	5,475 rations.
4 Brigadier Generals	-	12	do	-	-	-	-	-	-	-	17,520
14 Majors	-	4	do	-	-	-	-	-	-	-	20,440
1 Adjutant	-	6	do	-	-	-	-	-	-	-	2,190
1 Paymaster, at headquarters	4	do	-	-	-	-	-	-	-	-	1,460
1 Quartermaster	-	6	do	-	-	-	-	-	-	-	2,190
1 Deputy Quartermaster	-	3	do	-	-	-	-	-	-	-	1,095
1 Surgeon to the Staff	-	6	do	-	-	-	-	-	-	-	2,190
4 Surgeons	-	3	do	-	-	-	-	-	-	-	4,380
12 Surgeons' Mates	-	2	do	-	-	-	-	-	-	-	8,760
6 Surgeons' Mates, for garrisons	2	do	-	-	-	-	-	-	-	-	4,380
1 Principal Artificer	-	3	do	-	-	-	-	-	-	-	1,095
1 Second Artificer	-	2	do	-	-	-	-	-	-	-	730
56 Captains	-	3	do	-	-	-	-	-	-	-	61,320
60 Lieutenants	-	2	do	-	-	-	-	-	-	-	43,800
48 Ensigns	-	2	do	-	-	-	-	-	-	-	35 040
4 Cornets	-	2	do	-	-	-	-	-	-	-	2,920

214,985 rations,

or money in lieu thereof, at the option of the officers, at the contract price, at the posts respectively where the rations shall become due.

240 Non-commissioned and privates, Artillery.

320 Non-commissioned and privates, Cavalry.

4,560 Non-commissioned and privates, Infantry.

5,120 men, at one ration per day	-	-	-	-	-	-	-	-	-	1,868,800
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2,083,785

2,083,785 rations, at 15 cents per ration

\$312,567 75

FORAGE.

1 Major General,	at \$20 per month	-	-	-	-	-	-	-	-	\$240 00
4 Brigadier Generals,	16 do	-	-	-	-	-	-	-	-	768 00
13 Majors	10 do	-	-	-	-	-	-	-	-	1,560 00
1 Paymaster at headquarters,	10 do	-	-	-	-	-	-	-	-	120 00
1 Adjutant General,	12 do	-	-	-	-	-	-	-	-	144 00
1 Quartermaster General	12 do	-	-	-	-	-	-	-	-	144 00
1 Deputy Quartermaster General,	10 do	-	-	-	-	-	-	-	-	120 00
6 Aids-de-camp,	10 do	-	-	-	-	-	-	-	-	720 00
4 Brigade Majors,	6 do	-	-	-	-	-	-	-	-	288 00
4 Adjutants,	6 do	-	-	-	-	-	-	-	-	288 00
1 Surgeon to the Staff,	12 do	-	-	-	-	-	-	-	-	144 00
4 Surgeons,	10 do	-	-	-	-	-	-	-	-	480 00
12 Surgeons' Mates,	6 do	-	-	-	-	-	-	-	-	864 00
6 Surgeons' Mates for the garrisons,	6 do	-	-	-	-	-	-	-	-	432 00
4 Paymasters,	6 do	-	-	-	-	-	-	-	-	288 00
12 Quartermasters,	6 do	-	-	-	-	-	-	-	-	864 00

7,464 00

CAVALRY, (unprovided for in the year 1792.)

1 Major,	at \$10 per month	-	-	-	-	-	-	-	-	\$120 00
4 Captains,	10 do	-	-	-	-	-	-	-	-	480 00
4 Lieutenants,	6 do	-	-	-	-	-	-	-	-	288 00
4 Cornets,	6 do	-	-	-	-	-	-	-	-	288 00

1,176 00

Estimate of Appropriations.

STAFF.—Continued.			
For the year 1793—			
1 Major,	at \$10 per month	- -	\$120 00
4 Captains,	10 do	- -	480 00
4 Lieutenants,	6 do	- -	288 00
4 Cornets,	6 do	- -	288 00
320 Non-commissioned officers and privates,	6 do	- -	25,040 00
			\$26,216 00
			34,856 00
CLOTHING.			
240 Non-commissioned officers and privates,	artillery.		
320 do do	cavalry.		
4,560 do do	infantry.		
5,120			
480 contingencies.			
5,600 suits, at \$30 per suit	- - - - -	- - - - -	112,000 00
EQUIPMENTS FOR CAVALRY.			
Boots, horsemen's caps, and such articles as may be lost or worn—conjectural	- - - - -	- - - - -	5,000 00
HORSES FOR CAVALRY.			
To replace the horses which may die or become unfit for service—conjectural	- - - - -	- - - - -	5,000 00
BOUNTY.			
To complete the number in lieu of discharged soldiers, those rendered unfit for duty, and deserters, conjectural, 500 soldiers, including premium, at \$10 each	- - - - -	- - - - -	5,000 00
Additional bounty, for which no provision was made, but allowed by the act passed March 5, 1792:			
952 non-commissioned officers and privates in service at \$2	- - - - -	- - - - -	1,904 00
4,168 do do do to be raised, being estimated in former estimate at \$8, including premium. The act of the 5th March, 1792, allowing \$10 for the difference, \$2	- - - - -	- - - - -	8,336 00
Total bounty	- - - - -	- - - - -	15,240 00
DEFENSIVE PROTECTION OF THE FRONTIERS.			
Pay, &c., of the militia and scouts, estimated at	- - - - -	- - - - -	50,000 00
HOSPITAL DEPARTMENT.			
For medicines, instruments, furniture, and stores for the hospital, for the garrisons and posts on the Western and Southern Frontiers; also the pay and subsistence of a purveyor, assistants, and nurses, in the hospitals—conjectural	- - - - -	- - - - -	25,000 00
QUARTERMASTER'S DEPARTMENT.			
Pack-horses and forage, tents, boats, &c.; also, the transportation of the recruits, ordnance and military stores, and all the articles of the Quartermaster's Department, the purchase of axes, camp-kettles, pack-saddles, iron, fuel, boards, nails, paint, company books, stationery, &c.; also the pay and subsistence of artificers employed in the said Department—conjectural	- - - - -	- - - - -	100,000 00
INDIAN DEPARTMENT.			
The expenses in this Department amount, in the year 1792, as per accounts rendered, to	- - - - -	- - - - -	44,207 96
Accounts allowed, which will be shortly stated—estimated	- - - - -	- - - - -	5,500 00
Provided for in the year 1792	- - - - -	- - - - -	49,707 96
	- - - - -	- - - - -	25,000 00
Total	- - - - -	- - - - -	24,707 96
The surplus has been paid from the general contingencies of the War Department.			
The expenses for the year 1793 may probably amount to	- - - - -	- - - - -	50,000 00

Estimate of Appropriations.

N. B. It is impossible to foresee the events which may occasion expenses in this Department, so as to reduce them to particulars. The sums of the present year, in the accounts settled at the Treasury, may serve to form some idea of the expenses for the year 1793.

ORDNANCE DEPARTMENT.

For the salaries of the Storekeepers at the several Arsenals, viz :

Springfield,	Massachusetts	-	-	-	-	-	\$480 00
Fort Rensselaer and its dependencies,	New York	-	-	-	-	-	172 00
West Point,	New York	-	-	-	-	-	480 00
Philadelphia,	Pennsylvania	-	-	-	-	-	500 00
Carlisle,	Pennsylvania	-	-	-	-	-	60 00
Fort Pitt,	Pennsylvania	-	-	-	-	-	360 00
New London,	Virginia	-	-	-	-	-	430 00
Manchester,	Virginia	-	-	-	-	-	50 00
Charleston,	South Carolina	-	-	-	-	-	100 00
One assistant at Springfield	-	-	-	-	-	-	240 00
Two assistants at West Point	-	-	-	-	-	-	480 00
One clerk of military stores, Philadelphia	-	-	-	-	-	-	480 00
							3,832 00

RENTS.

Philadelphia	-	-	-	-	-	-	\$666 66
New London	-	-	-	-	-	-	350 00
Manchester	-	-	-	-	-	-	66 66
							1,083 32
Laborers at the arsenals	-	-	-	-	-	-	400 00
Coopers, armorers, and carpenters, employed occasionally	-	-	-	-	-	-	600 00
10 armorers, at \$10 per month	-	-	-	-	-	-	1,200 00
2 conductors of military stores, at \$30 per month	-	-	-	-	-	-	720 00
							2,920 00
500 rifles, purchased in 1792, and not included in former estimates	-	-	-	-	-	-	6,000 00
Repairing of arms, equipments of cannon, cartridge-boxes, swords, and every other article in this department—conjectural	-	-	-	-	-	-	10,000 00
Total	-	-	-	-	-	-	23,835 32

INVALIDS.

For the annual allowance to the invalids of the United States, from the 5th day of March, 1793, to the 4th day of March, 1794, viz :

New Hampshire	-	-	-	-	-	-	\$3,810 68
By the Circuit Court	-	-	-	-	-	-	409 12
							\$4,219 80
Massachusetts	-	-	-	-	-	-	11,941 75
By the Circuit Court	-	-	-	-	-	-	1,338 45
							13,278 20
Rhode Island	-	-	-	-	-	-	2,899 00
By the Circuit Court	-	-	-	-	-	-	196 00
							3,095 00
Connecticut	-	-	-	-	-	-	7,682 08
By the Circuit Court	-	-	-	-	-	-	795 80
							8,477 83
Vermont	-	-	-	-	-	-	510 64
By the Circuit Court	-	-	-	-	-	-	
							510 64
New York	-	-	-	-	-	-	15,972 66
New Jersey	-	-	-	-	-	-	4,004 26
By the Circuit Court	-	-	-	-	-	-	76 00
							4,170 26
Pennsylvania	-	-	-	-	-	-	16,642 64
Delaware	-	-	-	-	-	-	1,884 00
Maryland	-	-	-	-	-	-	4,328 56
Virginia	-	-	-	-	-	-	7,761 33
North Carolina	-	-	-	-	-	-	886 00
Georgia	-	-	-	-	-	-	1,018 40
Total	-	-	-	-	-	-	82,245 32

*Estimate of Appropriations.***LEASE OF THE BUILDINGS OCCUPIED FOR THE USE OF THE WAR OFFICE AND THE OFFICE OF THE ACCOUNTANT OF THE WAR DEPARTMENT.**

The amount of the lease for the term of four years, as per indenture thereof with James Simmons - - - - - \$1,666 66

CONTINGENCIES OF THE WAR DEPARTMENT.

For maps, hiring expresses, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, &c.—conjectural - - 50,000 00

N. B. It is to be observed, upon this article, as well as every other of this estimate, that for every cent expended in pursuance thereof, vouchers must be produced at the Treasury, excepting, perhaps, the sums which may be expended for secret intelligence, where the names might be important to be concealed; but for the propriety of the small sums which might be so expended, the reputation of the commanding officer is pledged to the public.

RECAPITULATION.

Pay of the Legion of the United States - - - - -	\$304,308 00
Subsistence - - - - -	312,567 75
Forage - - - - -	34,856 00
Clothing - - - - -	112,000 00
Equipments for cavalry - - - - -	5,000 00
Horses for cavalry - - - - -	5,000 00
Bounty - - - - -	15,240 00
Defensive protection of the frontiers by militia - - - - -	50,000 00
Hospital department - - - - -	25,000 00
Quartermaster's department - - - - -	100,000 00
Indian department - - - - -	50,000 00
Ordnance department - - - - -	23,835 32
Invalids - - - - -	82,245 32
Lease of the buildings occupied for the War Office, &c. - - - - -	1,666 66
Contingencies of the War Department - - - - -	50,000 00
Total - - - - -	<u><u>1,171,719 05</u></u>

WAR OFFICE, October 26, 1792.

H. KNOX, *Secretary of War.*

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 8, 1792.

I certify that the foregoing is a true copy of the original, filed in this office.

JOSEPH NOURSE, *Register.*

The above - - - - -	\$1,171,719 05
Deduct for invalids - - - - -	82,245 32
Leaves - - - - -	<u><u>1,089,473 73</u></u>

D.

Comparative statement of expenditure and revenue to the end of the year 1793.

EXPENDITURE.

Amount from the commencement of the year 1791 to the end of the year 1792, as stated in a report to the House of Representatives of the 23d January last - - -	\$7,082,197 74
Additional appropriation for the War Department, per act of the 2d of May, 1792, for raising a further sum of money for the protection of the frontiers, &c. - - -	673,500 00
Appropriations by an act of the 8th of May, 1792, entitled "An act making certain appropriations, therein specified" - - - - -	84,497 90
Moneys requisite by estimate for the current service of 1793 - - - - -	1,616,785 10
Interest on the Public Debt for the same year - - - - -	2,849,194 73
Total expenditure - - - - -	<u><u>12,306,175 47</u></u>

Defeat of General St. Clair.

WAYS AND MEANS.

Nett product of duties on imports and tonnage for the year 1791, as ascertained	-	\$3,403,195	18
Do do do for the year 1792, as estimated (a)	-	3,900,000	00
Do do do for the year 1793 (b)	-	4,000,000	00
Do of duties on home made spirits for one half-year of 1791 (c)	-	150,000	00
Do do do for 1792 (c)	-	400,000	00
Do do do for 1793 (c)	-	400,000	00
Surplus which will probably remain unexpended of the sums appropriated for the War Department for 1792 (d)	-	140,000	00
Total ways and means	-	12,393,195	18

NOTES.

(a) This sum is estimated by adding to the ascertained product of the year 1791 an ascertained excess of the product of the first two quarters of the year 1792, beyond the product of the first two quarters of the year 1791, being \$252,319 11, and the estimated product for a half year of the additional duties on imports laid during the last session of Congress, and commencing on the 1st of July last, being \$261,750. According to the information hitherto received at the Treasury, there is every probability that the amount of the duties for the last half-year of 1792 will fully equal this calculation of their product, if the ratio of the first half-year will exceed it.

(b) This estimate proceeds on the basis of the product of 1792, making a compromise of two considerations— one, an increase which may be expected equal to the difference between a whole and a half-year's product of the additional duties above mentioned; the other, a decrease which may arise from a defalcation of the duties on foreign spirits, in consequence of the increase of domestic distillation. There is good ground to conclude that the sum stated will rather fall short of than exceed the actual product.

(c) This branch of the revenue is not yet in complete order, but enough is ascertained, by actual returns, to afford a moral certainty that the product cannot be materially less than is here stated.

(d) This surplus is thus deduced:

The total appropriation for the War Department for the year 1792 is	-	\$1,081,146	68
The total expenditure to the 27th of October was	-	\$690,796	00
The sum at that time estimated by the Secretary of War to be further necessary to the end of the year, exclusive of provision supplies, is	-	218,950	00
For provisions and contingencies may be stated a further sum of	-	30,000	00
		939,746	00
Balance which will probably remain unexpended	-	141,400	68

Some inconsiderable appropriations for particular purposes are unnoticed, because certain casual funds will probably nearly, if not altogether, balance them.

TREASURY DEPARTMENT, November 14, 1792.

ALEXANDER HAMILTON.

[Statements E and F, "showing the application, in detail, of the sums of \$50,000 and of \$5,000, respectively, granted by an act making certain appropriations therein mentioned, passed the 12th August, 1790, for the purpose of discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie," not being deemed important, are here omitted.]

GENERAL ST. CLAIR'S DEFEAT.

HOUSE OF REPRESENTATIVES, February 15, 1793.

Mr. GILES, from the committee, to whom was recommended the Report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, together with the documents relating thereto, including the Letter from the Secretary of War and the memorial of Samuel Hodgdon, have proceeded to re-examine the documents formerly before them, as far as seemed necessary; to hear and examine other testimony, produced to them; to hear and consider the written communications, made by the Secretary of War, Samuel

Hodgdon, and the Commander-in-chief of the expedition; and, as the result of their farther inquiries make the following supplementary Report:

The original report commences in the following words:

"The contract for the supplies of the Army on the route from Fort Pitt was made by Theodosius Fowler with the Secretary of the Treasury, and bears date the twenty-eighth day of October, one thousand seven hundred and ninety; that at the same time a bond in the penalty of one hundred thousand dollars, with Walter Livingston and John Cochran, securities thereto, was entered into for the due execution of the contract; that, on the third day of January, one thousand seven

Defeat of General St. Clair.

hundred and ninety-one, the contract was wholly transferred from the said Fowler to William Duer, a copy of which transfer was lodged in the office of the Secretary of the Treasury; that by letter from the Secretary of War, bearing date the twenty-fifth day of February, one thousand seven hundred and ninety-one, addressed to William Duer, it appears that he was considered as contractor; that no correspondence appears to have taken place subsequently to that time between Theodosius Fowler and either the Treasury or War Departments."

From documents received by the Committee, since their last appointment, it appears that the copy of the before mentioned transfer was not lodged in the office of the Secretary of the Treasury until the seventh of April, one thousand seven hundred and ninety-one; at which time it was received by the Secretary of the Treasury, under cover of a letter from William Duer, informing him of the circumstance of the said transfer, and making requisitions for certain advances of money. That the Secretary of the Treasury, by letter in reply of the same date, agrees to make the advances required to William Duer, as the agent of Theodosius Fowler.

It appears that all the warrants issued from the Treasury, for the purposes of this contract, were issued to William Duer, as the agent of Theodosius Fowler.

The Secretary of the Treasury has furnished the Committee with the written opinions of the Attorney General of the United States, and several other lawyers of eminence, all of whom concur in opinion, that the securities to the bond, originally given by Theodosius Fowler, for the execution of this contract, are now responsible for all damages, consequent upon any breach of that contract.

The Secretary of War, who alone appears to have been the agent on the part of the United States, in all things relating to the execution of the contract, has always corresponded with William Duer, as the contractor, and his correspondence commences at a date prior to that of the copy of the contract lodged at the Treasury.

The original report proceeds—

"That, on the sixth of March, one thousand seven hundred and ninety-one, a contract was entered into by William Duer with the Secretary of War, for supplying the troops with provisions, until their arrival at Fort Pitt, and at Fort Pitt. A bond was, at the same time, entered into, by the said William Duer, for the due execution of the said contract, in the penalty of four thousand dollars, without any security whatsoever."

It appears, by a re-examination of the documents formerly before the Committee, that the date and terms of the last mentioned contract were misrepresented; the date being the twenty-sixth, instead of the sixth of April, and the terms of the contract being to furnish provisions for the troops until their arrival at Fort Pitt, but not during their continuance at that place. The first of these mistakes appears to have been merely casual; the second appears to have arisen from paying greater attention to the manner in which the contract was

really executed, than to the terms of the contract itself; it having been conceived by the Committee that Colonel Neville, the agent for supplying the troops during their continuance at Fort Pitt, acted under the last mentioned contract. This circumstance is rendered the less material, from the consideration, that according to the plan of campaign, no delay of the troops at Fort Pitt was counted upon. The statement is otherwise correct.

The Secretary of War, in his communication, states that it was not the custom of the office to require other security than that of the contractor, for the due execution of contracts of small amount; and it appears by a letter of the Secretary of the Treasury, written since the former report, that the Secretary of War consulted with him upon the occasion alluded to, and that he agreed in opinion, that further security was not necessary.

It is stated in the original report, after speaking of one of the contractor's agents, that—

"It appears by letters from John Kean, another of the contractor's agents, that no moneys had been received by him on the eighth of May, and it appears that on the twenty-third of March there was advanced to William Duer, on the last mentioned contract, the sum of fifteen thousand dollars."

Upon re-examining the letters of John Kean, it appears that he had received the sum of four hundred and fifty dollars, and no more, before the aforesaid eighth day of May, which was before overlooked by the Committee. And it appears from documents received by the Committee since their report, that the sum of fifteen thousand dollars was not advanced to William Duer on account of the last mentioned contract, on the twenty-third of March. The Committee were led into this mistake by a document received from the Treasurer, representing the fact as stated in the original report; which document is still before the Committee. The true state of this transaction as recently stated, appears to be as follows:

A warrant issued in favor of Joseph Howell, on the twenty-third of March, for the sum of fifteen thousand dollars, for the use of the War Department generally, and not for William Duer, as stated in the account rendered by the Treasurer; of which sum, were advanced to William Duer, on the twenty-sixth of March, four thousand dollars; on the eighth day of May following, were paid to James Smith, contracting agent for William Duer, one thousand dollars; and between the twenty-first of May and the twenty-third of July, were paid to John Kean, another agent for William Duer, four hundred and thirty-seven dollars and ninety-one cents—making the whole sum advanced on the last mentioned contract, five thousand four hundred and thirty-seven dollars and ninety-one cents. The residue of the fifteen thousand dollars is suggested to have been applied to the use of the War Department generally.

The original report states that—

"It appears from the correspondence of General Butler, from the ninth of May to the ninth of June, repeated complaints were made of fatal mismanagements and

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neglects in the Quartermaster's and Military Stores departments, particularly as to tents, knapsacks, camp kettles, cartridge boxes, pack-saddles, &c., all of which articles were deficient in quantity and bad in quality. The pack-saddles, particularly, were made in Philadelphia, which, with the transportation, amounted to more than double the price at which they might have been procured at Fort Pitt, and were found, upon examination, to be unfit for use."

Mr. Hodgdon has produced to the Committee a number of *ex-parte* affidavits and certificates to prove that these several articles were furnished in sufficient quantities, and of good quality. Most of these affidavits, however, were made by the manufacturers of the respective articles, or persons in the employment of Mr. Hodgdon, and generally written in a different handwriting from that of the subscribing deponents, and most of the certificates by persons unknown to the Committee. But the testimony formerly taken by the Committee, and the corroboration of it by the evidence of respectable and disinterested persons, lately taken by the Committee, in presence of Mr. Hodgdon, appears abundantly sufficient to justify the statement of facts contained in the original report. With respect to the pack-saddles, however, it is necessary to remark, that some qualification of the expression used in the original report would be proper. They appear to have been made of different sizes; those of the largest size are proved to have been wholly unfit for use, the horses used for pack-horses being generally small. Some of the smaller pack-saddles, however, appear to have been used in the campaign, and to have answered the intended purpose better than was at first expected.

It is stated in the original report that—

"The arms sent forward appear not to have been duly examined, and arrived at Fort Pitt extremely out of order, and many totally unfit for use, which circumstance rendered repairs absolutely necessary, and added to the delay of the troops at Fort Pitt."

The Committee are led to conclude, from authentic information recently received, that the complaint of the arms intended for the regular troops and levies, is unfounded; some of the arms appear to have been damaged, after they were put into the hands of the troops, from their inexperience or carelessness, though delivered to them in good order.

The Committee were induced to make the unqualified statement contained in the original report, from the unqualified manner in which this subject is spoken of by some of the witnesses, formerly examined by the Committee; they not having stated with sufficient precision the causes of the arms being out of repair, nor specifying the probable number requiring repairs.

The original report proceeds with the following expression:

"It appears that a great proportion of the powder, supplied for the use of the Army, was not of good quality, though an experiment was made by Major Ferguson, at Fort Pitt, with a howitzer, who reported in favor of the quality of the powder."

The Committee are satisfied from experiments made since the original report by Captain Ford, at Fort Washington, upon request of the Secretary of War, and by samples of the powder from thence, actually furnished the Committee, that the powder was originally of good quality; but that a certain quantity of it was damaged by exposure to the air and moisture after being issued to the troops. And it appears to have been powder of this description, upon which experiments were made by some of the officers in the expedition, which produced unfavorable impressions as to the quality of the powder in general; for it is certain, a belief was currently entertained amongst the officers, that the powder in general was not of good quality. The insufficiency of the powder, after the Army took the field, is accounted for from the bad quality of the tents. It is in testimony to the Committee, that great quantities of the fixed ammunition were actually rendered useless from that cause.

It is stated in the original report that—

"Mr. Hodgdon was appointed Quartermaster General in the month of March, and continued at Philadelphia until the fourth of June, he then proceeded to Fort Pitt, where he arrived on the tenth of the same month; no sufficient causes have appeared to the Committee to justify this delay, and his presence with the Army appeared to have been essentially necessary previously to that time."

In this statement, the duration of Mr. Hodgdon's stay at Fort Pitt was casually omitted, which appears to have been from the tenth of June, till the twenty-sixth of August. The insertion of this fact will sufficiently explain the sense of the Committee in the inference respecting the time in which the presence of the Quartermaster General was necessary at the Army.

It is stated in the original report that—

"There were six hundred and seventy-five stand of arms at Fort Washington, on the first of June, and most of those totally out of repair."

These arms, the precise number of which appears not to be accurately ascertained, are admitted by the Secretary of War to have been at Fort Washington in the situation described, but he suggests that they were old and useless arms, which had been collected at that place, and were not counted upon as any part of the supply of arms for the expedition. It appears that the regular troops and levies were completely supplied with arms, without recurrence to this stock; but a number of them was repaired, by orders of the Commander-in-chief of the expedition, with a view, as he suggests, to arm the militia from Kentucky, who, it was expected, would arrive, either insufficiently armed, or not armed at all; and he did not conceive the arrangements, made by the War Department, competent to arming the militia, together with the other troops.

The original report states that—

"The privates of the levies received but three dollars pay each, from the time of their respective enlistments to the time of their respective discharges, and were actually discharged without farther pay or settle-

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ment; notes of discharge were given them, specifying the time of their service, and bearing endorsements, that some advances had been made to them on account, without stating the amount, the object of which is suggested to have been to prevent transfers; the intended effect was not produced by the measure; the notes were sold for trifling considerations; the real sums due on the notes were various—from ten to twenty-five dollars, and they were frequently sold for one dollar, or one gallon of whiskey. The moneys for the pay of the levies did not leave Philadelphia till the fourth of December, one thousand seven hundred and ninety-one, nor arrive at Fort Washington, till the third of January, one thousand seven hundred and ninety-two, some time after the last enlisted levies are known to have been entitled to their discharges."

In addition to the reasons contained in the original report, respecting the discharging of the levies, without their stipulated pay, which are admitted by the Secretary of War to have been justly stated, he has, in his late communication, suggested to the Committee, that, at the time of the discharge of the levies there was actually, in the hands of the Quartermaster General, the sum of sixteen thousand two hundred and ninety-two dollars and seventy cents, which were subject to be applied to any object, agreeably to the discretion of the Commander-in-chief of the expedition, and might have been applied, if he thought proper, to the payment of the discharged levies, and would have been sufficient for two months pay to the officers, and four months pay to the privates. This sum is admitted by the Quartermaster General to have been in his hands at the time of the discharge of the levies, and would have been applied to their pay if orders had been given by the Commander-in-chief of the expedition for that purpose; but that no such orders ever were received by him. The Secretary of War infers, from these circumstances, that no censure should be imputed to the War Department for not having paid implicit attention to this subject.

The circumstances respecting this transaction have been attentively examined by the Committee, and appear to them to be the following: The Quartermaster General, upon his leaving Philadelphia, was furnished with the sum of twenty thousand dollars for the use of that Department. He was afterwards furnished with two other sums, to wit: the sum of seventeen thousand eight hundred and forty-four dollars and fifty cents, on the twenty-third of July; and the sum of two thousand two hundred and twenty-four dollars and sixty cents, on the seventh day of July—making, together, the sum of twenty thousand and sixty-nine dollars and ten cents. It appears by letter from the Secretary of War to the Commander-in-chief of the expedition, that five thousand dollars of this sum were to be applied to the pay of the regular troops, if the Commander-in-chief should deem that a proper application of the money; which, however, was not done. The remaining part of this money was intended to form a kind of military chest, to answer contingent expenses, subject, however, to the control of the Commander-in-chief. It appears that the

Quartermaster General, in addition to these supplies of cash, was authorized to draw bills on the Secretary of War, with this restriction—that the Commander-in-chief should approve of all drafts, and certify the necessity or propriety of making them. The Quartermaster General commenced his drafts at Fort Pitt, previously to his arrival at headquarters, to the amount of two thousand six hundred dollars, and continued them after his arrival; but it does not appear that those drafts were certified or sanctioned by the Commander-in-chief; all which drafts were honored by the Secretary of War.

It is suggested by the Commander-in-chief that he never considered the money, before mentioned, appropriated to the pay of the levies, upon their discharges, nor that it was ever intended to be applied to that object. He further suggests a want of knowledge of the money said to be on hand at the time of the discharges of the levies, although he admits that the Quartermaster General shortly after his arrival at headquarters tendered him a statement of the cash on hand, which he returned, without examination, observing, that he had already received sufficient information relatively thereto from the Secretary of War; that he was informed of the amount of moneys originally received by the Quartermaster General, and conceived that he could form some idea of the balance on hand from the sums disbursed in consequence of warrants drawn by him, which he expected were paid from that fund; that his want of information as to the real balance arose from the circumstance of the bills drawn by the Quartermaster General without his knowledge, or the requisite certificate from him, which bills operated as a relief to that fund for their amount. The Commander-in-chief of the expedition further suggested to the Committee, in presence of the Quartermaster General, that, upon making drafts upon the fund before alluded to, he usually inquired of the Quartermaster General whether it was sufficient for the purpose of answering the draft, and upon repeating this inquiry, just before the discharge of the levies, he received for answer, "that the chest was very low." This statement was acquiesced in, or at least not denied, by the Quartermaster General.

The Quartermaster General has furnished the Committee with a statement of his account, by which it appears that he had on hand, on the fifth day of November, one thousand seven hundred and ninety-one, cash, to the amount of fifteen thousand nine hundred and twelve dollars and forty-two cents, and two-thirds of a cent, which, he suggests, have since been applied to the use of his Department. This balance is denied to have been on hand, by the Commander-in-chief, at that time, and he has furnished a statement of disbursements from the original fund; which leaves the amount of the balance at the time of the discharge of the levies, of one thousand four hundred and eighty-three dollars and eighty-six cents, exclusive of five thousand dollars appropriated to the pay of the old troops.

The Commander-in-chief further suggests, that

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there was no Paymaster to the Army, nor any person authorized to settle the accounts of the soldiers, and ascertain the real balances due to them, until the arrival of Mr. Swann, on the third day of January, one thousand seven hundred and ninety-two, and infers that he had no authority to direct a settlement and order pay to the soldiers, until he was informed of the arrangements made at the War Office relatively to that object. This suggestion is strongly confirmed by a letter from the Secretary of War, addressed to the Commander-in-chief, and forwarded by Mr. Swann, which designates Mr. Swann as Paymaster, and contains instructions relatively to the terms of settling the accounts of the soldiery. The same letter serves to show that the twenty thousand and sixty-nine dollars and ten cents, put into the possession of the Quartermaster General, were not conclusively destined for the pay of the levies, nor so considered by the Secretary of War. Because it is asserted in the letter, that Mr. Swann is furnished with a sum of money sufficient for the whole pay of the levies, without making any deduction in consequence of the moneys furnished the Quartermaster General.

It is asserted by the Secretary of War in his communication to the Committee, that the time of the service of the levies did not expire until after the arrival of Mr. Swann at Fort Washington, particularly Gaither's and Rhea's battalions, the term of their enlistments having been to serve six months after their arrival at Fort Washington, which was deemed the place of rendezvous. The time which has elapsed from the period of enlistment to their arrival at Fort Washington, or the evident impropriety of annexing such a condition to the enlistments, caused the condition itself to be dispensed with; and those levies were actually discharged shortly after the twelfth of November, one thousand seven hundred and ninety-one, in consequence of having served six months, which is the extent of the service authorized by law, and actually received certificates at that time of having performed six months service.

Upon a re-examination of the residue of the original report, and the evidence now before the Committee, they are satisfied with the same, and find no material alterations or corrections necessary.

A regard for candor has induced the Committee to adopt this mode of reporting; because the original report is thereby preserved, mistakes existing in the same, and which are now corrected, and the causes of those mistakes rendered obvious, and the whole subject presented to view, upon the fairest terms, in the opinion of the Committee, to all persons in any degree concerned therein.

RE-ORGANIZATION OF SUPREME COURT.

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

I lay before you a copy of a Letter and representation from the Chief Justice and Associate

Judges of the Supreme Court of the United States, stating the difficulties and inconveniences which attend the discharge of their duties, according to the present Judiciary system.

A copy of a Letter from the Judges attending the Circuit Court of the United States for the North Carolina district, in June last, containing their observations on an act passed during the last session of Congress, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

GEO. WASHINGTON.

UNITED STATES, Nov. 7, 1792.

PHILADELPHIA, Aug. 9, 1792.

SIR: Your official connexion with the Legislature, and the consideration that applications from us to them cannot be made in any manner so respectful to Government as through the President, induce us to request your attention to the enclosed representation, and that you will be pleased to lay it before the Congress.

We really, sir, find the burdens laid upon us so excessive that we cannot forbear representing them in strong and explicit terms.

On extraordinary occasions we shall always be ready, as good citizens, to make extraordinary exertions; but while our country enjoys prosperity, and nothing occurs to require or justify such severities, we cannot reconcile ourselves to the idea of existing in exile from our families, and of being subjected to a kind of life on which we cannot reflect without experiencing sensations and emotions more easy to conceive than proper for us to express.

With the most perfect respect, esteem, and attachment, we have the honor to be, sir, your most obedient and most humble servants,

JOHN JAY,
WILLIAM CUSHING,
JAMES WILSON,
JOHN BLAIR,
JAMES IREDELL,
THOMAS JOHNSON.

The PRESIDENT OF THE UNITED STATES.

The Chief Justice and the Associate Judges of the Supreme Court respectfully represent to the Congress of the United States:

That when the present judicial arrangements took place, it appeared to be a general and well-founded opinion, that the act then passed was to be considered rather as introducing a temporary expedient than a permanent system, and that it would be revised as soon as a period of greater leisure should arrive. The subject was new, and was rendered intricate and embarrassing by local as well as other difficulties; and there was reason to presume that others, not at that time apparent, would be discovered by experience. The ensuing sessions of Congress were so occupied by other affairs of great and pressing importance, that the Judges thought it improper to interrupt the attention of Congress by any application on the

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subject. That, as it would not become them to suggest what alterations or system ought in their opinion to be formed and adopted, they omit making any remarks on that head; but they feel most sensibly the necessity which presses them to represent—

That the task of holding twenty-seven Circuit Courts a year, in the different States, from New Hampshire to Georgia, besides two sessions of the Supreme Court at Philadelphia, in the two most severe seasons of the year, is a task which, considering the extent of the United States, and the small number of Judges, is too burdensome. That to require of the Judges to pass the greater part of their days on the road, and at inns, and a distance from their families, is a requisition which, in their opinion, should not be made unless in cases of necessity. That some of the present Judges do not enjoy health and strength of body sufficient to enable them to undergo the toilsome journeys through different climates and seasons, which they are called upon to undertake; nor is it probable that any set of Judges, however robust, would be able to support, and punctually execute, such severe duties for any length of time. That the distinction made between the Supreme Court and its Judges, and appointing the same men finally to correct in one capacity the errors which they themselves may have committed in another, is a distinction unfriendly to impartial justice, and to that confidence in the Supreme Court which it is so essential to the public interest should be reposed in it. The Judges decline minute details, and purposely omit many considerations, which they are persuaded will occur whenever the subject is attentively discussed and considered. They most earnestly request that it may meet with early attention, and that the system may be so modified as that they may be relieved from their present painful and improper situation.

JOHN JAY,
WILLIAM CUSHING,
JAMES WILSON,
JOHN BLAIR,
JAMES IREDELL,
THOMAS JOHNSON.

NEWBERN, NORTH CAROLINA, *June 8, 1792.*

SIR: We, the Judges now attending at the Circuit Court of the United States for the district of North Carolina, conceive it our duty to lay before you some important observations which have occurred to us in the consideration of an act of Congress lately passed, entitled "An act to provide for the settlement of claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

We beg leave to premise, that it is as much an inclination as it is our duty to receive with all possible respect every act of the Legislature, and that we never can find ourselves in a more painful situation than to be obliged to object to the execution of any, more especially to the execution of one founded on the purest principles of humanity and justice, which the act in question undoubtedly is.

But, however lamentable a difference in opinion really may be, or with whatever difficulty we may have formed an opinion, we are under the indispensable necessity of acting according to the best dictates of our own judgment, after duly weighing every consideration that can occur to us, which we have done on the present occasion. The extreme importance of the case, and our desire of being explicit beyond the danger of being misunderstood, will, we hope, justify us in stating our observations in a systematic manner. We, therefore, sir, submit to you the following:

1. That the Legislative, Executive, and Judicial Departments are each formed in a separate and independent manner, and that the ultimate basis of each is the Constitution only, within the limits of which each Department can alone justify any act of authority.

2. That the Legislature, among other important powers, unquestionably possesses that of establishing Courts in such a manner as to their wisdom shall appear best, limited by the terms of the Constitution only; and to whatever extent that power may be exercised, or however severe the duty they may think proper to require, the Judges, when appointed in virtue of any such establishment, owe implicit and unreserved obedience to it.

3. That, at the same time, such Courts cannot be warranted, as we conceive, by virtue of that part of the Constitution delegating Judicial power for the exercise of which any act of the Legislature is provided, in exercising (even under the authority of another act) any power not in its nature Judicial, or, if Judicial, not provided for upon the terms the Constitution requires.

4. That whatever doubt may be suggested, whether the power in question is properly of a Judicial nature, yet inasmuch as the decision of the Court is not made final, but may be at least suspended in its operation by the Secretary of War, if he shall have cause to suspect imposition or mistake, this subjects the decision of the Court to a mode of revision which we consider to be unwarranted by the Constitution; for, though Congress may certainly establish, in instances not yet provided for, Courts of appellate jurisdiction, yet such Courts must consist of Judges appointed in the manner the Constitution requires, and holding their offices by no other tenure than that of their good behaviour, by which tenure the office of Secretary of War is not held; and we beg leave to add, with all due deference, that no decision of any Court of the United States can, under any circumstances, in our opinion, agreeably to the Constitution, be liable to a reversion, or even suspension, by the Legislature itself, in whom no Judicial power of any kind appears to be vested but the important one relative to impeachments.

These, sir, are our reasons for being of opinion, as we are at present, that this Circuit Court cannot be justified in the execution of that part of the act which requires it to examine, and report an opinion on the unfortunate cases of officers and soldiers disabled in the service of the United States. The part of the act requiring the Court to sit five days for the purpose of receiving appli

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cations from such persons, we shall deem it our duty to comply with; for, whether in our opinion such purpose can or cannot be answered, it is, as we conceive, our indispensable duty to keep open any Court of which we have the honor to be Judges, as long as Congress shall direct.

The high respect we entertain for the Legislature, our feelings as men for persons whose situation requires the earliest as well as the most effectual relief, and our sincere desire to promote, whether officially or otherwise, the just and benevolent views of Congress so conspicuous on the present as well as on many other occasions, have induced us to reflect whether we could be justified in acting under this act personally in the character of Commissioners during the session of a Court; and could we be satisfied that we had authority to do so, we would cheerfully devote such part of our time as might be necessary for the performance of the service. But we confess we have great doubts on this head. The power appears to be given to the Court only, and not to the Judges of it; and as the Secretary of War has not a discretion in all instances, but only in those where he has cause to suspect imposition or mistake, to withhold a person recommended by the Court from being named on the pension list, it would be necessary for us to be well persuaded we possessed such an authority before we exercised a power which might be a means of drawing money out of the public Treasury, as effectually as an express appropriation by law. We do not mean, however, to preclude ourselves from a very deliberate consideration whether we can be warranted in executing the purposes of the act in that manner, in case an application should be made.

No application has yet been made to the Court, or to ourselves individually, and, therefore, we have had some doubts as to the propriety of giving an opinion in a case which has not yet come regularly and judicially before us. None can be more sensible than we are of the necessity of Judges being, in general, extremely cautious in not intimating an opinion in any case extra-judicially, because we well know how liable the best minds are, notwithstanding their utmost care, to a bias which may arise from a preconceived opinion, even unguardedly, much more deliberately given. But in the present instance, as many unfortunate and meritorious individuals, whom Congress have justly thought proper objects of immediate relief, may suffer very great distress even by a short delay, and may be utterly ruined by a long one, we determined at all events to make our sentiments known as early as possible, considering this as a case which must be deemed an exception to the general rule upon every principle of humanity and justice; resolving, however, that so far as we are concerned individually, in case an application should be made, we will most attentively hear it; and if we can be convinced this opinion is a wrong one, we shall not hesitate to act accordingly, being as far from the weakness of supposing that there is any reproach in having committed an error, to which the greatest and best men are sometimes liable, as to we should be from so low a sense of duty as to

think it would not be the highest and most deserved reproach that could be bestowed on any men (much more on Judges) that they were capable, from any motive, of persevering against conviction in apparently maintaining an opinion which they really thought to be erroneous.

We take the liberty to request, sir, that you will be pleased to lay this Letter before the Legislature of the United States at their next session, and have the honor to be, with the highest respect, sir, your most obedient and most faithful servants,

JAMES IREDELL,

*One of the Associate Justices of the
Supreme Court of the United States.*

JNO. SITGREAVES,

*Judge of the United States
for the North Carolina District.*

THE PRESIDENT OF THE UNITED STATES.

REPORT ON NEWSPAPER POSTAGE.

[Made to the House of Representatives, second session Second Congress.]

The Committee to whom was referred that part of the President's Speech which relates to the transportation of Newspapers, Report:

That after a communication with the Postmaster General, on the subject under consideration, they beg leave to recommend the following provisions:

1. That the Postmaster General be authorized to direct his deputies to receive subscriptions for newspapers.
2. That every subscriber, at the time of subscribing, pay to the postmaster the amount of a half year's postage on the paper which he engages to take, and half of the annual price of the paper.
3. That of the postage thus advanced, he retain one-fourth of a cent for each paper he will have to receive or deliver, during the first half year; and of the price of the paper, twenty-five per cent.; and remit the residue of the postage to the General Post Office, and the residue of the price of the papers to the printers thereof, with lists of the subscribers.
4. That the postmasters, and not the subscribers, shall be responsible to the printers; they receiving the twenty-five per cent., before mentioned, as compensation for the above intended agency in the business.

They suggest the propriety of securing the printers' money, by the same bonds, of the postmasters, by which postages are secured. That duplicate lists of the subscribers should be sent by the postmasters to the General Post Office; and that, upon the complaint of a printer, against a postmaster, payment may be enforced, under the same bond that secures arrears of postage to the office.

That where the mail shall be carried by private contract, agreeably to the power given to the Postmaster General, by the second section of the law "establishing Post Offices and Post Roads," it may be lawful for the Postmaster General to allow to such contractors, in a settlement with the General Post Office, for the postage on newspapers,

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a proportion, according to the distance by them carried, and the distance by the public post, so as to make a just dividend, according to the distances carried by each.

That the privilege of franking letters or packets, not exceeding the weight of one ounce, be allowed to postmasters, under restrictions similar to those of the law of last session.

That the postmasters be allowed to charge — per centum on all franked letters, their own excepted, considering them as single letters.

That the Postmaster General be empowered, in the settlement of the account of the deputy postmaster of Philadelphia, to allow him, for office rent and a chief clerk, at the rate of not more than — dollars; and one other clerk, at the rate of not more than — dollars per annum.

That when letters or packets, to go beyond sea, are received by a postmaster, it shall be his duty to make them up into mails; and for each letter or packet be permitted to receive one cent.

That any letter sent among newspapers be subjected to double postage; and where a memorandum or writing, other than the address, be on the newspaper, such newspaper be subjected to double letter postage.

That magazines and pamphlets be transported in the mail, at the following rates:

One cent per sheet for their conveyance not over fifty miles; one and a half cent over fifty and not exceeding one hundred miles; and two cents per sheet for any greater distance.

That members of Congress be allowed to frank letters or packets not exceeding four ounces in weight.

That it be made the duty of the masters or commanders of ships or vessels, sailing from one port of the United States to another, whether by sea

or otherwise, as well as of the masters or commanders of all ships or vessels arriving in any port of the United States, from a foreign port or place, to deliver all letters by them brought, to the post office of the port or place, where they may arrive, in — hours after such arrival.

The Committee recommend the following roads as necessary, viz:

A road to connect Sharpsburg, in Maryland, with Shepherdstown, in Virginia.

An alteration of the route from Philadelphia to Reading, so that the road to be established may be from Philadelphia, through Norristown and Pottsgrove, to Reading.

To connect Norwich and New London, in Connecticut, by a road.

That the Postmaster General be authorized to send a mail, by the route of Newport, to Taunton.

That there be established a road from Hampton Falls to Exeter, in New Hampshire.

One from Yorktown, Pennsylvania, to Fredericktown, in Maryland.

One from Richmond, by Powhatan Court-house, Cumberland Court-house, Meredith's Store, New London, and Liberty, to Botetourt Court-house in Virginia; and from New London to Lynchburg; and from Meredith's Store, by Prince Edward Court-house, to Charlotte Court-house.

One from Tarborough, by Greenville, to Washington; and from Fayetteville to Hillsborough, by Chatham Court-house; and to return by Wake Court-house to Fayetteville, once a week; in North Carolina: and

One from Danville to Lexington, in Kentucky.

The Committee recommend that the road from Halifax, by Bluntsville, Williamstown, and Daley's, to Plymouth, in North Carolina, be stricken out.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE SECOND CONGRESS, BEGUN AND HELD AT PHILADELPHIA, ON THE TWENTY-FOURTH OF OCTOBER, 1791.

An Act granting further time for making return of the Enumeration of the Inhabitants in the District of South Carolina.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be lawful for the Marshal of the District of South Carolina to complete and make return of the enumeration of the inhabitants of the said district to the President of the United States, in the form and manner prescribed by the act, entitled "An act providing for the enumeration of the inhabitants of the United States," at any time on or before the first day of March next, anything in the said act to the contrary notwithstanding.

JONATHAN TRUMBULL,
Speaker of the House of Representatives.

JOHN ADAMS,
*Vice President of the United States,
and President of the Senate.*

Approved, November 8, 1791.

GEORGE WASHINGTON,
President of the United States.

An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-two.

Be it enacted, &c., That for the service of the year 1792, and the support of the Civil List of the United States, including the incidental and contingent expenses of the several Departments and offices thereof, there shall be appropriated a sum of money, not exceeding three hundred and twenty-nine thousand six hundred and fifty-three dollars and fifty-six cents, that is to say:

For the compensation granted by law to the President of the United States, the Vice President, Chief Justice, Associate Judges, and Attorney General, fifty-three thousand dollars.

For the like compensation to the District Judges, nineteen thousand eight hundred dollars.

For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two Houses, estimated on a session of six months continuance, and including the traveling expenses of the members, one hundred and twenty-nine thousand seven hundred and thirty dollars.

For the like compensations to the Secretary and officers of the several Departments of the Treasury of the United States, including clerks and attendants, and the salaries of the respective Loan officers, sixty thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of State, six thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of War, nine thousand six hundred dollars.

For the like compensations to the members of the Board of Commissioners for the settlement of the accounts between the United States and the individual States, including the clerks and attendants, thirteen thousand one hundred dollars.

For the like compensations to the Governors, Judges, and other officers of the Western Territory of the United States, including contingencies, eleven thousand dollars.

For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

For the payment of sundry pensions granted by the late Government, two thousand seven hundred and sixty-seven dollars and seventy-three cents.

For defraying all other incidental and contingent expenses of the Civil List establishments, including firewood, stationery, together with the printing work, and all other contingent expenses of the two Houses of Congress, rent and office expenses of the three several Departments, namely, Treasury, State, War, and of the General Board of Commissioners, twenty-one thousand five hundred and fifty-five dollars, and eighty-three cents.

SEC. 2. *And be it further enacted,* That the compensation to the Doorkeepers of the two Houses, for services which have been heretofore rendered, or may be rendered in the recess of Congress for the year 1792, and certified by the President of the Senate or the Speaker of the House of Representatives, in manner required by law for like services during sessions, shall be discharged out of the money herein before appropriated for the contingent expenses of the two Houses of Congress.

SEC. 3. *And be it further enacted,* That for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations, for the support of the Civil List esta-

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blishment, and for aiding the fund appropriated for the payment of certain officers of the Courts, jurors, and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand one hundred and nineteen dollars and forty-nine cents, that is to say:

For discharging a balance due on a liquidated claim of his Most Christian Majesty, against the United States, for supplies during the late war, nine thousand and twenty dollars and sixty-eight cents.

For payment of the principal and interest on a liquidated claim of Oliver Pollock, late Commercial Agent of the United States at New Orleans, for supplies of clothing, arms, and military stores, during the late war, one hundred and eight thousand six hundred and five dollars and two cents: *Provided*, That the said moneys be not paid to the said Oliver Pollock without the consent of the agents of the Court of Spain.

For making good deficiencies in the last appropriations, for the compensations to sundry officers of the Civil List establishments, five thousand four hundred and seventy-one dollars.

For defraying sundry authorized expenses to the Commissioners of Loans in the several States, twenty-one thousand dollars.

For defraying a balance of certain liquidated and contingent expenses in the Treasury Department, two thousand eight hundred dollars.

For defraying the additional expense of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars and seventy-nine cents.

For making good a deficiency in former appropriations, to discharge the expenses to clerks, jurors, and witnesses, in the Courts of the United States, five thousand dollars.

For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, sixteen thousand dollars.

For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

For the purchase of hydrometers for the use of the officers in the execution of the laws of revenue, one thousand dollars.

For the further expense of building and equipping ten cutters, two thousand dollars.

SEC. 4. *And be it further enacted*, That for the support of the Military Establishment of the United States, in the year one thousand seven hundred and ninety-two, the payment of the annual allowances to the invalid pensioners of the United States, for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, by virtue of the authority vested in the President of the United States, by the acts relative to the Military Establishment,

passed the twenty-ninth of September, one thousand seven hundred and eighty-nine, and the thirtieth of April, one thousand seven hundred and ninety, and for which no appropriations have been made, there shall be appropriated a sum of money not exceeding five hundred and thirty-two thousand four hundred and forty-nine dollars seventy-six cents and two thirds of a cent, that is to say:

For the pay of troops, - - - - \$102,686 00

For subsistence, - - - - - 119,688 97

For clothing, - - - - - 48,000 00

For forage, - - - - - 4,152 00

For the Hospital department, - - - - 6,000 00

For the Quartermaster's department, - - 50,000 00

For the Ordnance department, - - - - 7,204 64

For the contingent expenses of the War Department, including maps, hire of expresses, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising, and apprehending deserters, - 20,000 00

For the discharge of certain sums due for pay and subsistence of sundry officers of the late Army, and for pay of the late Maryland line, for which no appropriations have been made, - - - - - 10,490 36

For the payment of the annual allowances to invalid pensioners, - 87,463 60½

For defraying all expenses incidental to the Indian department, authorized by law, - - - - - 39,424 71

For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, - - - - 37,339 48

SEC. 5. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the funds following, to wit: First, out of the sum of six hundred thousand dollars, which, by the act, entitled "An act making provision for the Debt of the United States," is reserved yearly for the support of the Government of the United States and their common defence; and secondly, out of such surplus as shall have accrued to the end of the present year, upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the Public Debt during the same year, and for satisfying other prior appropriations.

Approved, December 23, 1791.

An Act for carrying into effect a Contract between the United States and the State of Pennsylvania.

For duly conveying to the State of Pennsylvania a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said State by a resolution of Congress of the fourth day of September, in the year one thousand seven hundred and eighty-eight, and whereof the right of soil has been sold by virtue of a previous resolution of Congress of the sixth day of June in the said year:

Be it enacted, &c., That the President of the

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United States be authorized, in fulfilment of the terms stipulated on the part of the State of Pennsylvania, to issue letters patent, in the name and under the seal of the United States, granting and conveying to the said State forever, the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the sixth day of June, one thousand seven hundred and eighty-eight.

Approved, January 3, 1792.

An Act to extend the time limited for settling the Accounts of the United States with the individual States.

Be it enacted, &c., That the powers of the Board of Commissioners, which, by an act passed in the second session of the first Congress, was established to settle the accounts between the United States and individual States, shall continue until the first day of July, 1793, unless the business shall be sooner accomplished.

SEC. 2. *And be it further enacted*, That the aforesaid act shall extend to the settlement of the accounts between the United States and the State of Vermont; and that until the first day of December next, shall be allowed for the said State to exhibit its claims.

SEC. 3. *And be it further enacted*, That, from and after the passing of this act, the pay of the principal clerk of the said Board shall be the same as the pay of the principal clerk in the Auditor's office.

Approved, January 23, 1792.

An Act concerning certain Fisheries of the United States, and for the regulation and government of the Fishermen employed therein.

Be it enacted, &c., That the allowance now made upon the exportation of dried fish, of the fisheries of the United States, in lieu of a drawback of the duties paid on the salt used in preserving the same, shall cease on all dried fish exported after the tenth day of June next; and as a commutation and equivalent therefor, there shall be afterwards paid, on the last day of December annually, to the owner of every vessel, or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law for carrying on the Bank and other cod fisheries, and that shall actually have been employed therein, at sea, for the term of four months at the least of the fishing season next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burden, according to her admeasurement as licensed or enrolled—if of twenty tons, and not exceeding thirty tons, one and a half dollar; and if above thirty tons, two and a half dollars; of which allowance aforesaid, three-eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five-eighths thereof shall be divided by him, his agent or lawful representative, to and among the several fishermen who shall have been

employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*, That the allowance aforesaid on any one vessel, for one season, shall not exceed one hundred and seventy dollars.

SEC. 2. *And be it further enacted*, That on the last day of December, annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar upon every ton admeasurement of such boat or vessel, which allowance shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided, however*, That this allowance shall be made only to such boats or vessels as shall have actually been employed at sea in the cod fishery, for the term of four months at the least, of the preceding season: *And provided, also*, That such boat or vessel shall have landed, in the course of said preceding season, a quantity of fish not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery when actually sold; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth, and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall in all cases be produced and sworn or affirmed to, before the said collector of the district, in order to entitle the owner, his agent or lawful representative, to receive the allowance aforesaid. And if at any time within one year after payment of such allowance, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise the owner or owners, having practised such fraud or deceit, shall forfeit and pay one hundred dollars; to be sued for, recovered, and appropriated, in like manner as forfeitures and penalties are to be sued for, recovered and appropriated for any breach of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels."

SEC. 3. *And be it further enacted*, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agent or lawful representative, shall, previous to receiving the allowance which is provided for in this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is herein before required, and

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also a certificate, to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares she may have made, in the preceding fishing season; to the truth of which they shall swear or affirm, before the collector aforesaid.

Sec. 4. *And be it further enacted*, That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement, in writing or in print, with every fisherman employed therein, excepting only an apprentice or servant of himself or owner; and in addition to such terms of shipment as may be agreed on, shall in such agreement express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish, or the proceeds of such fishing voyage or voyages, which may appertain to the fishermen, shall be divided among them, in proportion to the quantities or number of said fish they may respectively have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel or his agent: And if any fisherman, having engaged himself for a voyage or for the fishing season, in any fishing vessel, and signed an agreement therefor as aforesaid, shall thereafter, and while such agreement remains in force and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of the fish or proceeds of any fishing voyage to which such deserter had or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall, during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, besides being answerable for such damages arising thereby, shall forfeit, to the use of the owner of such vessel, his share of the allowance which shall be paid upon such voyage, as is herein granted.

Sec. 5. *And be it further enacted*, That where an agreement or contract shall be so made and signed, for a fishing voyage or for the fishing season, and any fish which may have been caught on board such vessel during the same shall be delivered to the owner or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall, for the term of six months after such sale, be liable and answerable for the skipper's and every other fisherman's share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable and may be proceeded against, for the wages of seamen or mariners in the merchant service. And

upon such process, for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish, according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded: But, in all cases, the owner of such vessel or his agent, appearing to answer to such process, may offer thereupon his account of general supplies made for such fishing voyage, and of other supplies thereto made, to either of the demandants, and shall be allowed to produce evidence thereof, in answer to the demands respectively, and judgment shall be rendered upon such process, for the respective balances which, upon such an inquiry, shall appear: *Provided, always*, That when process shall be issued against any vessel liable as aforesaid, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process; or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law for his share or shares of fish, or the proceeds thereof, as aforesaid.

Sec. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, be, and the same is hereby repealed.

Sec. 7. *And be it further enacted*, That the moneys which shall remain, in consequence of the abolition of the allowance on the exportation of the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby, appropriated to the payment of the allowances granted by this act; and in case the moneys so appropriated shall be inadequate, the deficiency shall be supplied out of any moneys which from time to time shall be in the Treasury of the United States, and not otherwise appropriated.

Sec. 8. *And be it further enacted*, That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any Court of the United States having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing or affirming, by the act before mentioned, and to be in like manner sued for, recovered, and appropriated.

Sec. 9. *And be it further enacted*, That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress, and no longer.

Approved, February 16, 1792.

Acts of Congress.

An Act to establish the Post Office and Post Roads within the United States.

Be it enacted, &c., That from and after the first day of June next, the following roads be established as Post Roads, namely: From Wiscasset, in the district of Maine, to Savannah, in Georgia, by the following route, to wit: Portland, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charlestown, Havre de Grace, Hartford, Baltimore, Bladensburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House, Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, Newbridge over Drowning Creek, Cheraw Court House, Camden, Statesburg, Columbia, Cambridge, and Augusta; and from thence to Savannah, and from Augusta, by Washington, in Wilkes county, to Greenborough; and from thence by the Great Falls of Ogeechee and Georgetown, to Augusta; and from Statesburg to Charleston, and from Charleston to Georgetown, and from Charleston to Savannah, and from Savannah by Newport Bridge to Sunbury; and also, from Portsmouth by Exeter and Concord, to Hanover, in New Hampshire; and from Salem to Marblehead, and from Salem to Gloucester; and from Boston, by Providence, Newport, and New London, to New Haven; and from Boston, through Taunton, to New Bedford; and from Taunton, through Warren and Bristol, to Newport; and from Boston, by Plymouth, to Barnstable; and from Springfield, in the State of Massachusetts, to Kinderhook, in the State of New York, and from Springfield, by Northampton, Brattleborough and Charlestown, by Windsor, in Vermont, to Hanover, and from Hartford, by Middletown, to New London; also, from Hartford to Norwich and Providence; and from Providence to Worcester; and from Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford, and Greensburg, to Pittsburg; and from Philadelphia to Bethlehem; from Bethlehem, by Reading and Harrisburg, to Carlisle; and from Bethlehem, by Easton, Sussex Court House, Goshen, Ward's Bridge, and Kingston, to Rhinebeck; from Philadelphia, by Salem, to Bridgetown; and from Wilmington, by Warwick, Georgetown, Cross Roads, Chestertown, Chester Mills, and Easton, to Vienna; and from Vienna, by Salisbury, to Snow Hill; also, from Wilmington, by Newcastle, Cantwell's Bridge and Duck Creek, to Dover; and from thence by Milford, Dagsborough, Snow Hill and Northampton Court House, to Norfolk, in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Picoatawa, Port Tobacco, Allen's Fresh, Newport, and Choptico, to Leonardtown; and from Richmond, by Williamsburg, Yorktown and Hampton, to Norfolk; and from Fredericksburg, by Port Royal and Tappahannock, to Urbanna; and from thence, crossing Rappahannock, and proceeding by Northumberland Court House, to Kimsale, on the river Yeocomio; thence by Westmoreland

Court House, through Leedstown, to Fredericksburg; and from Petersburg, by Cabin Point, Smithfield and Suffolk, to Portsmouth, and from Suffolk to Edenton, and by Plymouth to Washington; and from Washington to Newbern, and thence to Wilmington; and from Fayetteville, by Elizabethtown, to Wilmington; and from Halifax, by Warrington, Hillsborough, Salem, to Salisbury; from Halifax, by Bluntsville, Williamston, Dailey's, to Plymouth; and from Edenton, by Hertford, Nisanton, Sawyer's Ferry, in Camden county, to Indian Town, in Currituck county; and from New York, by Albany, Bennington, Manchester and Rutland, to Burlington, on Lake Champlain; and from Albany, by Schenectady, to Canajoharie; from New York, to Hartford, through Whiteplains, North Castle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harrington, and Farmington; from Newark, or Elizabethtown, by Morristown, to Sussex Court House; from Woodbridge, to Amboy; from Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Court House, to Staunton; and from Richmond, by Columbia, Charlottesville, Staunton, Lexington, Fincastle, Montgomery Court House, Wythe Court House, Abingdon, and Hawkin's Court House, in the territory South of the river Ohio, to Danville, in Kentucky; and from Baltimore, by Fredericktown and Sharpsburg, to Hagarstown; and from thence to Chambersburg: *Provided*, That the route, by which the mails are at present conveyed, shall in no case be altered, without the consent of the contractors, till the contracts made by the Postmaster General shall be determined.

Sec. 2. And be it further enacted, That it shall and may be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the person or persons, so contracting, to receive, during the continuance of such contract, according to the rates by this act established, all the postage which shall arise on letters, newspapers and packets, conveyed by any such post; and the roads, therein designated, shall, during the continuance of such contract, be deemed and considered as Post Roads, within the terms and provisions of this act: *Provided*, That no such contract shall be made, to the diminution of the revenue of the General Post Office, and that a duplicate of every such contract, under hand and seal, shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the Treasury of the United States.

Sec. 3. And be it further enacted, That there shall be established, at the Seat of the Government of the United States, a General Post Office. And there shall be one Postmaster General, who shall have authority to appoint an Assistant, and Deputy Postmasters, at all the places where such shall be found necessary. And he shall provide for carrying the mail of the United States, by stage-carriages or horses, as he may judge most expedient; and as often as he, having regard to the productiveness thereof, as well as other circumstances

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shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the Post Office. He shall also have power to prescribe such regulations to the Deputy Postmasters, and others employed under him, as may be found necessary, and to superintend the business of the Department, in all the duties that are, or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established, which route or road shall be considered as the Post Road.

SEC. 4. *And be it further enacted,* That the Postmaster General shall, once in three months, obtain from his deputies, the accounts and vouchers of their receipts and expenditures, and the balances due thereon, and render to the Secretary of the Treasury, a quarterly account of all the receipts and expenditures in the said Department, to be adjusted and settled, as other public accounts, and shall pay, quarterly, into the Treasury of the United States, the balance in his hands. And the Postmaster General, and his Assistant, the Deputy Postmasters, and such as they may employ in their offices, shall, respectively, before they enter upon the duties, or be entitled to receive the emoluments of their offices, and the contractors for carrying the mail, and their agents or servants, to whom the mail shall be intrusted, before they commence the execution, of said trust, shall respectively, take and subscribe before some Justice of the Peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General: "I do swear (or affirm as the case may be) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the law in relation to the establishment of Post Offices and Post Roads within the United States."

SEC. 5. *And be it further enacted,* That if any person shall obstruct or retard the passage of the mail, or of any horse or carriage carrying the same, he shall, upon conviction for every such offence, pay a fine not exceeding one hundred dollars. And if any ferryman shall, by wilful negligence, or refusal to transport the mail across any ferry, delay the same, he shall forfeit, and pay, for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

SEC. 6. *And be it further enacted,* That it shall be the duty of the Postmaster General, to give public notice in one or more of the newspapers published at the Seat of Government of the United States, and in one or more of the newspapers published in the State or States where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail that such contract is to be intended to be made, and the day on which it shall be concluded; describing the places, from and to which such mail is to be conveyed; the time at which it is to be made up; the day and hour, at which it is to be delivered; and the penalty or penalties for non-performance of the stipulations. He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the propo-

sals which he shall have received respecting the same, in the office of the Comptroller of the Treasury of the United States.

SEC. 7. *And be it further enacted,* That every Deputy Postmaster shall keep an office in which one or more persons shall attend at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof. And all letters brought to any Post Office, half an hour before the time of making up the mail at such office, shall be forwarded therein.

SEC. 8. *And be it further enacted,* That, from and after of the passing of this act, the Postmaster General shall be allowed, for his services, at the rate of two thousand dollars per annum, his Assistant at the rate of one thousand per annum, to be paid, quarterly, out of the revenues of the Post Office. And no fees or perquisites shall be received by either them, on account of the duties to be performed in virtue of their appointments.

SEC. 9. *And be it further enacted,* That, from and after the 1st day of June next, the Deputy Postmaster and persons authorized by the Postmaster General, shall demand and receive, for the postage and conveyance of letters and packets, except such as are hereinafter excepted, according to the several rates and sums following: For the postage of every single letter, to or from any place by land not exceeding thirty miles, six cents; over thirty miles, and not exceeding sixty, eight cents; over sixty miles, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a-half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and to or from any place by land, more than four hundred and fifty miles, twenty-five cents; and every double letter shall pay double the said rates; every triple letter, triple; every packet weighing one ounce avoirdupois, to pay, at the rate of four single letters for each ounce, and in that proportion, for any greater weight.

SEC. 10. *And be it further enacted,* That all letters and packets, passing by sea to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, shall be rated and charged, as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter or packet, twenty-four cents; for every letter or packet brought into the United States, or carried from one port therein to another by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of the like postage, as other letters are made subject to the payment of by this act.

SEC. 11. *And be it further enacted,* That, if any Deputy Postmaster, or other person authorized by the Postmaster General, to receive the postages of letters, shall fraudulently demand or receive any

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rate of postage, or any gratuity or reward, other than is provided by this act for the postage of letters or packets, on conviction thereof, he shall forfeit for every such offence, one hundred dollars, and shall be rendered incapable of holding any office under the United States.

SEC. 12. *And be it further enacted,* That no ship or vessel, arriving at any port within the United States, where a Post Office is established, shall be permitted to report, make entry or break bulk, till the master or commander shall have delivered to the Postmaster, all letters directed to any person or persons within the United States, which, under his care or within his power, shall be brought in such ship or vessel, other than such as are directed to the owner or consignee; but when a vessel shall be bound to another port, than that, at which she may enter, the letters belonging to, or to be delivered at the said port of delivery, shall not be delivered to the Postmaster at the port of entry. And it shall be the duty of the Collector or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

SEC. 13. *And be it further enacted,* That the Postmasters to whom such letters may be delivered, shall pay to the master, commander, or other person delivering the same, except the commanders of foreign packets, two cents for every such letter or packet; and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be with his half-yearly accounts, transmitted to the Postmaster General, who shall credit the amount thereof to the Postmaster forwarding the same.

SEC. 14. *And be it further enacted,* That, if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall take up, receive, order, despatch, convey, carry or deliver any letter or letters, packet or packets, other than newspapers, for hire or reward, or shall be concerned in setting up any foot or horse post, wagon or other carriage, by or in which any letter or packet shall be carried for hire, on any established Post Road, or any packet, or other vessel or boat, or any conveyance whatever, whereby the revenue of the General Post Office may be injured, every person, so offending, shall forfeit, for every such offence, the sum of two hundred dollars: *Provided,* That it shall and may be lawful for every person to send letters or packets by special messenger.

SEC. 15. *And be it further enacted,* That the Deputy Postmasters or agents of the Postmaster General, shall duly account and answer to him, for all by or way letters, and shall specify the number and rates in the Post Bill. And if any Deputy Postmaster or agent shall neglect so to account, he or they so offending, shall on conviction thereof, forfeit, for every such offence, a sum not exceeding one hundred dollars.

SEC. 16. *And be it further enacted,* That, if any person, employed in any of the Departments of the General Post Office, shall unlawfully detain, delay, or open any letter, packet, bag or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and which are intended to be conveyed by post: or if any such person shall secrete, embezzle or destroy any letter or packet, intrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle, or destroy, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the Treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or other bond or warrant, draft, bill, or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag, or mail of letters, that shall come to his possession, he shall, on conviction, for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next Post Office, every such person, so offending, shall forfeit and pay a sum, not exceeding five hundred dollars, for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

SEC. 17. *And be it further enacted,* That, if any person or persons shall rob any carrier of the mail of the United States, of such mail, or if any person shall rob the mail, in which letters are sent to be conveyed by post, of any letter or packet, or shall steal such mail, or shall steal and take from or out of the same, or from or out of any Post Office, any letter or packet, such offender or offenders shall, on conviction thereof, suffer death.

SEC. 18. *And be it further enacted,* That the Deputy Postmasters shall, respectively, publish at the expiration of every three months, in one of the newspapers published at, or nearest the place of his residence, for three successive weeks, a list of all the letters then remaining in their respective offices; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the General Post Office, where the same shall be opened and inspected; and if any valuable papers or matter of

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consequence, shall be found therein, it shall be the duty of the Postmaster General, to cause a descriptive list thereof to be inserted in one of the newspapers, published at the place most convenient to where the owner may be supposed to reside, if within the United States, and such letter and the contents shall be preserved, to be delivered to the person, to whom the same shall be addressed, upon payment of the postage, and the expense of publication.

Sec. 19. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided; that is to say, all letters and packets to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session. All letters to and from the Secretary of the Treasury, and his Assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary of War, the Commissioners for settling the accounts between the United States and individual States, the Postmaster General and his Assistant: *Provided*, That no person shall frank or enclose any letter or packet, other than his own; but any public letter or packet from the Department of the Treasury may be franked by the Secretary of the Treasury, or the Assistant Secretary, or by the Comptroller, Register, Auditor or Treasurer. And that each person before named shall deliver to the Post Office every letter or packet enclosed to him, which may be directed to any other person, noting the place, from whence it came by post, and the usual postage shall be charged thereon.

Sec. 20. *And be it further enacted*, That, if any person shall counterfeit the handwriting of any other person, in order to evade the payment of postage, such person or persons so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

Sec. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

Sec. 22. *And be it further enacted*, That all newspapers conveyed in the mail shall be under a cover open at one end, carried in separate bags from the letters, and charged with the payment of one cent for any distance not more than one hundred miles, and one cent and a half for any greater distance. And it shall be the duty of the Postmaster General and his Deputy to keep a separate account for the newspapers, and the Deputy Postmasters shall receive fifty per cent. on the postage of all newspapers; and if any other matter or thing be enclosed in such papers, the whole packet shall be charged, agreeably to the rates established by this act, for letters or packets.

And if any of the persons employed in any department of the Post Office shall unlawfully detain, delay, embezzle, or destroy any newspaper with which he shall be intrusted, such offenders, for every such offence, shall forfeit a sum not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is made to carry newspapers other than those conveyed in the mail.

Sec. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to allow to the Deputy Postmasters, respectively, such commission on the moneys arising from the postage of letters and packets as he shall think adequate to their respective services: *Provided*, That the said commission shall not exceed forty per cent. to any Deputy whose compensation thereby shall not exceed fifty dollars, nor thirty per cent. to any Deputy whose compensation thereby shall not exceed one hundred dollars, nor twenty per cent. to any other Deputy, except the Postmaster at the port where the European packets do or shall steadily arrive, to whom such farther allowance, in addition to the emoluments of his office, shall be made as the Postmaster General shall deem a reasonable compensation for his extra services in the receipt and despatch of letters originally received into his office from on board such packets, and by him forwarded to other offices: *And provided, also*, That the compensations aforesaid shall not exceed eighteen hundred dollars per annum to any one Postmaster for all services by him rendered.

Sec. 24. *And be it further enacted*, That, if any Deputy Postmaster or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts and pay over to the Postmaster General the balance by him due, at the end of every three months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster General shall not cause such suit to be commenced within three months from the end of every such three months, the balances due from every such delinquent shall be charged to, and recoverable from, the Postmaster General.

Sec. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act shall be, one-half for the use of the person or persons informing and prosecuting for the same, the other half to the use of the United States.

Sec. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the Postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received there shall be paid, at the time of its reception, a postage of one cent; and the Postmaster General may make arrangements with the

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Postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets through the Post Offices.

Sec. 27. *And be it further enacted*, That the Deputy Postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

Sec. 28. *And be it further enacted*, That all the surplus revenue of the General Post Office which shall have accrued previous to the first day of June next, not heretofore appropriated, be, and the same is hereby, appropriated towards defraying any deficiency which may arise in the revenue of the said Department for the year next ensuing.

Sec. 29. *And be it further enacted*, That the act passed at the last session of Congress entitled "An act to continue in force, for a limited time, an act entitled 'An act for the temporary establishment of the Post Office,'" be, and the same is hereby, continued in full force until the first day of June next, and no longer.

Sec. 30. *And be it further enacted*, That this act shall be in force for the term of two years, from the said first day of June next, and no longer.

Approved, February 20, 1792.

An Act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President.

Be it enacted, &c., That, except in case of an election of a President and Vice President of the United States, prior to the ordinary period, as hereinafter specified, Electors shall be appointed in each State for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, which Electors shall be equal to the number of Senators and Representatives, to which the several States may by law be entitled at the time, when the President and Vice President, thus to be chosen, should come into office: *Provided, always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives.

Sec. 2. *And be it further enacted*, That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the Legislature thereof; and the Electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President

of the Senate, at the Seat of Government, before the first Wednesday in January then next ensuing, one of the said certificates; and the said Electors shall forthwith forward, by the Post Office, to the President of the Senate, at the Seat of Government, one other of the said certificates; and shall forthwith cause the other of the said certificates to be delivered to the Judge of that District in which the said Electors shall assemble.

Sec. 3. *And be it further enacted*, That the Executive authority of each State shall cause three lists of the names of the Electors of such State to be made and certified and to be delivered to the Electors on or before the said first Wednesday in December; and the said Electors shall annex one of the said lists to each of the lists of their votes.

Sec. 4. *And be it further enacted*, That if a list of votes from any State shall not have been received at the Seat of Government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the District Judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the Seat of Government.

Sec. 5. *And be it further enacted*, That Congress shall be in session on the second Wednesday in February, one thousand seven hundred and ninety-three, and on the second Wednesday in February succeeding every meeting of the Electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the Constitution.

Sec. 6. *And be it further enacted*, That, in case there shall be no President of the Senate at the Seat of Government on the arrival of the persons intrusted with the lists of the votes of the Electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate.

Sec. 7. *And be it further enacted*, That the persons appointed by the Electors to deliver the lists of votes to the President of the Senate, shall be allowed, on the delivery of the said lists, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the Electors to the Seat of the Government of the United States.

Sec. 8. *And be it further enacted*, That, if any person appointed to deliver the votes of the Electors to the President of the Senate, shall, after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

Sec. 9. *And be it further enacted*, 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 of the United States until the disability be removed or a President shall be elected.

Sec. 10. *And be it further enacted*, That, whenever

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the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the Executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State, specifying that Electors of the President of the United States shall be appointed or chosen in the several States within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the said first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the Electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the Electors shall accordingly be appointed or chosen; and the Electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said Electors and others shall be pursuant to the directions prescribed in this act.

Sec. 11. *And be it further enacted*, That the only evidence of a refusal to accept, or of a resignation of the office of President or Vice President shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept, or resigning, as the case may be, and delivered into the office of the Secretary of State.

Sec. 12. *And be it further enacted*, That the term of four years, for which a President and Vice President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the Electors shall have been given.

Approved, March 1, 1792.

An Act for making further and more effectual provision for the protection of the Frontiers of the United States.

Be it enacted, &c., That the battalion of artillery now in service be completed according to the establishment, and that the two regiments of infantry now in service be completed to the number of nine hundred and sixty non-commissioned officers, privates, and musicians, each.

Sec. 2. *And be it further enacted*, That there shall be raised for a term not exceeding three years, three additional regiments, each of which, exclusively of the commissioned officers, shall consist of nine hundred and sixty non-commissioned officers, privates, and musicians; and that one of the said regiments be organized in the following manner: that is to say—two battalions of infantry, each of which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and one squadron of light dragoons, which, ex-

clusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and that it shall be a condition in the enlistment of the said dragoons, to serve as dismounted dragoons, whenever they shall be ordered thereto: That the organization of the said squadron of light dragoons shall be as follows, to wit: One major, one adjutant, one quartermaster, one surgeon's mate, and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-nine dragoons; and the President may arm the said troops as he shall think proper. *Provided always, and be it further enacted*, That it shall be lawful for the President of the United States to organize the said five regiments of infantry and the said corps of horse and artillery as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper; so that the whole number of officers and men shall not exceed the limits above prescribed: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

Sec. 3. *And be it further enacted*, That the non-commissioned officers, privates, and musicians of the said three regiments shall be enlisted for the term of three years, unless previously discharged.

Sec. 4. *And be it further enacted*, That every recruit, who shall be enlisted by virtue of this act, shall receive eight dollars bounty, and that the same shall be made up to the non-commissioned officers, privates, and musicians now in service, who have enlisted for three years, since the passing of the act entitled "An act for regulating the military establishment of the United States."

Sec. 5. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit for the military establishment, shall be entitled to receive, for every recruit, duly enlisted and mustered, two dollars.

Sec. 6. *And be it further enacted*, That the monthly pay of the commissioned officers, non-commissioned officers, privates, and musicians, on the military establishment of the United States, and of the three regiments authorized by this act, shall be, in future, as follows, free of all deductions, to wit:

GENERAL STAFF—A major general, one hundred and sixty-six dollars; a brigadier general, one hundred and four dollars; quartermaster, one hundred dollars; adjutant, to do also the duty of inspector, seventy-five dollars; chaplain, fifty dollars; surgeon, seventy dollars; deputy quartermaster, fifty dollars; aid-de-camp, in addition to his pay in the line, twenty-four dollars; brigade major, to act also as deputy inspector, in addition to his pay in the line, twenty-four dollars; principal artificer, forty dollars; second artificer, twenty-six dollars.

REGIMENTAL—Lieutenant colonel commandant, seventy-five dollars; major commandant of artillery and major of dragoons, fifty-five dollars; paymaster, in addition to his pay in the line, ten dol-

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lars; quartermaster, in addition to his pay in the line, eight dollars; adjutant, in addition to his pay in the line, ten dollars; majors of infantry, fifty dollars; captains, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; mates, thirty dollars; sergeant major and quartermaster sergeants, seven dollars; senior musicians, six dollars; corporals, five dollars; privates, three dollars; musicians, four dollars; artificers allowed to the infantry, light dragoons, and artillery, and included as privates, eight dollars; matrons and nurses in the hospital, eight dollars.

Sec. 7. *And be it further enacted*, That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates, and musicians, of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled, "An act for regulating the military establishment of the United States," and in the act passed in the third session of the first Congress, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers."

Sec. 8. *And be it further enacted*, That the forage to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

Sec. 9. *And be it further enacted*, That the allowance of clothing for non-commissioned officers and privates of the infantry of the said three regiments, shall be the same as is by law established: that suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed to the infantry and artillery.

Sec. 10. *And be it further enacted*, That all the commissioned and non-commissioned officers, privates, and musicians, of the said three regiments, shall take the same oaths, shall be governed by the same rules and regulations, and, in cases of disabilities, shall receive the same compensations, as are described in the before mentioned act, entitled "An act for regulating the military establishment of the United States."

Sec. 11. *And be it further enacted*, That it shall be lawful for the President of the United States to forbear to raise, or to discharge after they shall be raised, the whole or any part of the said three additional regiments, in case events shall, in his judgment, render his so doing consistent with the public safety.

Sec. 12. *And be it further enacted*, That the President be, and he hereby is authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided*, That non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day; each person finding his horse, arms, and accoutrements, and at his own risk; and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith.

Sec. 13. *And be it further enacted*, That the President alone be, and he hereby is, authorized to appoint, for the cavalry so to be engaged, the proper commissioned officers, who shall not exceed, in number and rank, the proportions assigned to the said three regiments, and whose pay and other allowances shall not, exclusively of fifty cents per day for the use and risk of their horses, exceed those of officers of corresponding rank in the said regiments.

Sec. 14. *And be it further enacted*, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed twenty thousand dollars.

Approved, March 5, 1792.

An Act declaring the consent of Congress to a certain act of the State of Maryland, and to continue for a longer time an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations.

Be it enacted, &c., That the consent of Congress be, and is hereby, granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

Sec. 2. *And be it further enacted*, That the act entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.

Sec. 3. *And be it further enacted*, That this act shall be and continue in force for the term of three years, and from thence to the end of the next session of Congress, and no longer.

Approved, March 19, 1792.

An Act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions.

Be it enacted, &c., That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar, the claims of the widow or orphans of any officer of the late Army, to the seven years half-pay of such officer, shall, from and after the passing this act, be suspended for and during the term of two years.

Sec. 2. *And be it further enacted*, That any commissioned officer, not having received the

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commutation of half-pay, and any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States, during the late war, by wounds or other known cause; who did not desert from the said service, shall be entitled to be placed on the pension list of the United States during life or the continuance of such disability, and shall also be allowed such further sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the Circuit Court of the district in which they respectively reside may think just: *Provided*, That in every such case the rules and regulations following shall be complied with; that is to say, first, every applicant shall attend the Court in person, except where it shall be certified by two magistrates that he is unable to do so, and shall produce to the Circuit Court the following proofs, to wit: a certificate from the commanding officer of the ship, regiment, corps, or company in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses to same effect; the affidavits of three reputable freeholders of the city, town, or county in which he resides, ascertaining of their own knowledge the mode of life, employment, labor, or means of support of such applicant, for the last twelve months. Secondly, the Circuit Court, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same, and transmit the result of their inquiry, in case in their opinion the applicant should be put on the pension list, to the Secretary of War, together with their opinion in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

Sec. 3. *And be it further enacted*, That the clerk of the District Court, in each district, shall publish this act in such manner as the Judge of the District Court shall think effectual to give general information thereof to the people of the district, and shall give like information of the times and places of holding the Circuit Courts in such district. And in districts wherein a Circuit Court is not directed by law to be holden, the Judge of the District Court shall be, and he hereby is, authorized to exercise all the powers given by this act to the respective Circuit Courts. And it shall be the duty of the Judges of the Circuit Courts, respectively, during the term of two years from the passing of this act, to remain at the places where the said Courts shall be holden five days at the least, from the time of opening the sessions thereof, that persons disabled as aforesaid may have full opportunity to make their application for the relief proposed by this act.

Sec. 4. *And be it further enacted*, That the Secretary of War, upon receipt of the proofs, certificate, and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the

United States, in conformity thereto: *Provided, always*, That, in any case where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress at their next session.

Sec. 5. *And be it further enacted*, That all non-commissioned officers, soldiers, and seamen, disabled in the actual service of the United States, during the late war, whose disability and rate of allowance have been ascertained, pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list until after the time limited by the act of Congress for that purpose was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid, any thing in this act, or any act of the late Congress, to the contrary, notwithstanding.

Sec. 6. *And be it further enacted*, That, from and after the passing of this act, no sale, transfer, or mortgage of the whole, or any part of the pension or arrearages of pension, payable to any non-commissioned officer, soldier, or seaman, before the same shall become due, shall be valid. And every person claiming such pension or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation before some Justice of the Peace of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension, and any person who shall swear or affirm falsely in the premises, and be afterwards convicted, shall suffer as for wilful and corrupt perjury.

Approved, March 23, 1792.

An Act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established.

Be it enacted, &c., That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar, the claims of any officer, soldier, artificer, sailor, or marine, of the late Army or Navy of the United States, for personal services rendered to the United States, in the Military or Naval Department, shall, from and after the passing of this act, be suspended for and during the term of two years. And that every such officer, soldier, artificer, sailor, and marine, having claims for services rendered to the United States in the Military or Naval Departments, who shall exhibit the same for liquidation at the Treasury of the United States, at any time during the said term of two years, shall be entitled to an adjustment and allowance thereof on the same principles, as if the same had been exhibited within the term prescribed by the aforesaid resolutions: of

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Congress: Provided, That nothing herein shall be construed to extend to claims for rations or subsistence money.

Sec. 2. And be it further enacted, That no balances hereafter to be certified as due from the United States, shall be registered in any other name than that of the original claimant, or of his heirs, executors, or administrators; and such balances shall be transferable only at the Treasury, by virtue of powers actually executed after such registry, expressing the sum to be transferred, and in pursuance of such general rules as have been, or shall be prescribed for that purpose.

Approved, March 27, 1792.

An Act for the relief of certain widows, orphans, invalids, and other persons.

Be it enacted, &c., That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of the late Colonel Owen Roberts, Captain William White, Lieutenant Colonel Bernard Elliott, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, and Major Charles Motte, deceased, all of whom were killed or died in the service of the United States, for the seven years' half-pay stipulated by the resolve of Congress of the twenty-fourth day of August, one thousand seven hundred and eighty; and that the Register of the Treasury do issue his certificates accordingly.

Sec. 2. And be it further enacted, That the Secretary of the Department of War be, and he hereby is, required to place on the Invalid List, Timothy Mix, disabled in the late war, by the loss of his right hand, while in the service of the United States, at the rate of five dollars per month, to commence on the fourth day of February, one thousand seven hundred and eighty-three; that the said Secretary place on the Invalid List, Abel Turney, mariner, disabled while in the service of the United States, at the rate of one dollar per month, to commence on the first day of January, one thousand seven hundred and eighty-one.

Sec. 3. And be it further enacted, That the arrears of the said pensions be paid as the laws direct in similar cases.

Sec. 4. And be it further enacted, That the Comptroller of the Treasury be, and he hereby is, required to adjust the accounts of Joseph Pannil, a Lieutenant Colonel in the service of the United States, as a deranged officer upon the principles of the act of the late Congress of the third of October, one thousand seven hundred and eighty, and to allow him the usual commutation of the half-pay for life of a Lieutenant Colonel; and that the Register of the Treasury be, and he hereby is, required to grant a certificate for the amount of the balance due to him; that the Comptroller adjust the account of the late Brigadier General De Haas, admitting to the credit of the said account such sums as, by evidence, shall appear to have been advanced for the public service, and which have been charged by the United States to the officers who have received the same for the public ser-

vice; and that the said Register do grant a certificate for the balance due on such settlement; that the said Comptroller adjust the account of Thomas McIntire, a Captain in the service of the United States during the late war, and allow him the usual commutation of the half-pay for life of a Captain, and that the said Register grant a certificate for the amount thereof accordingly.

Sec. 5. And be it further enacted, That the Comptroller of the Treasury be, and he hereby is, required to adjust the account of Francis Suzor Debevere, a surgeon's mate in the service of the United States during the late war, and who remained in captivity to the end thereof, and that the Register of the Treasury be, and hereby is, required to grant a certificate for the amount which shall be found due for the services of the said Francis Suzor Debevere; that the said Comptroller adjust the account of Robert King, as a Lieutenant, deranged upon the principles of the act of the late Congress, passed the twenty-fourth day of November, one thousand seven hundred and seventy-eight, and that the said Register grant a certificate accordingly; that the Comptroller adjust the account of Lemuel Sherman, as a sailing-master of a galley on Lake Champlain, and as such taken prisoner; and that the said Register grant a certificate accordingly.

Sec. 6. And be it further enacted, That there be granted to Nicholas Ferdinand Westfall, who left the British service, and joined the Army of the United States during the late war, one hundred acres of unappropriated land in the Western Territory of the United States, free of all charges, and also the sum of three hundred and thirty-six dollars, out of any money appropriated to the contingent charges of Government.

Approved, March 27, 1792.

An Act supplemental to the Act for making further and more effectual provision for the protection of the frontiers of the United States.

Be it enacted, &c., That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint such number of Brigadier Generals as may be conducive to the good of the public service: *Provided,* The whole number appointed, or to be appointed, shall not exceed four.

Approved, March 28, 1792.

An Act for finishing the Light-house on Bald Head, at the mouth of Cape Fear river, in the State of North Carolina.

Be it enacted, &c., That the Secretary of the Treasury, under the direction of the President of the United States, be authorized, as soon as may be, to cause to be finished, in such manner as shall appear advisable, the light-house heretofore begun under the authority of the State of North Carolina, on Bald Head, at the mouth of Cape Fear river, in the said State; and that a sum, not exceeding four thousand dollars, be appropriated for the same, out of any moneys here-

tofore appropriated, which may remain unexpended, after satisfying the purposes for which they were appropriated, or out of any other moneys which may be in the Treasury, not subject to any prior appropriation.

Approved, April 2, 1792.

An Act establishing a Mint, and regulating the Coins of the United States.

Be it enacted, &c., That a Mint, for the purpose of national coinage, be, and the same is established, to be situate and carried on at the Seat of the Government of the United States, for the time being; and that for the well conducting of the business of the said Mint, there shall be the following officers and persons, namely: a Director, an Assayer, a Chief Coiner, an Engraver, a Treasurer.

SEC. 2. *And be it further enacted,* That the Director of the Mint shall employ as many clerks, workmen, and servants, as he shall from time to time find necessary, subject to the approbation of the President of the United States.

SEC. 3. *And be it further enacted,* That the respective functions and duties of the officers above mentioned shall be as follows: The Director of the Mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The Assayer shall receive and give receipts for all metals which may lawfully be brought to the Mint to be coined; shall assay all such of them as may require it, and shall deliver them to the Chief Coiner, to be coined. The Chief Coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The Engraver shall sink and prepare the necessary dies for such coinage, with the proper devices and inscriptions; but it shall be lawful for the functions and duties of Chief Coiner and Engraver to be performed by one person. The Treasurer shall receive from the Chief Coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be paid or delivered; he shall, moreover, receive and safely keep all moneys which shall be for the use, maintenance, and support of the Mint, and shall disburse the same upon warrants signed by the Director.

SEC. 4. *And be it further enacted,* That every officer and clerk of the said Mint shall, before he enters upon the execution of his office, take an oath or affirmation, before some Judge of the United States, faithfully and diligently to perform the duties thereof.

SEC. 5. *And be it further enacted,* That the said Assayer, Chief Coiner, and Treasurer, previously to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

SEC. 6. *And be it further enacted,* That there

shall be allowed and paid, as compensations for their respective services: To the said Director, a yearly salary of two thousand dollars; to the said Assayer, a yearly salary of one thousand five hundred dollars; to the said Chief Coiner, a yearly salary of one thousand five hundred dollars; to the said Engraver, a yearly salary of one thousand two hundred dollars; to the said Treasurer, a yearly salary of one thousand two hundred dollars; to each clerk who may be employed, a yearly salary not exceeding five hundred dollars; and to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations.

SEC. 7. *And be it further enacted,* That the accounts of the officers and persons employed in and about the said Mint, and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the Treasury Department of the United States; and a quarter-yearly account of the receipts and disbursements of the said Mint, shall be rendered at the said Treasury for settlement, according to such forms and regulations as shall have been prescribed by that Department; and that once in each year a report of the transactions of the said Mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the Comptroller of the Treasury, shall be laid before Congress for their information.

SEC. 8. *And be it further enacted,* That in addition to the authority vested in the President of the United States, by a resolution of the last session, touching the engaging of artists and the procuring of apparatus for the said Mint, the President be authorized, and he is hereby authorized, to cause to be provided and put in proper condition such buildings, and in such manner, as shall appear to him requisite for the purpose of carrying on the business of the said Mint; and that as well the expenses which shall have been incurred pursuant to the said resolution, as those which may be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said Mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage hereinafter mentioned, shall be defrayed from the Treasury of the United States, out of any moneys which from time to time shall be therein, not otherwise appropriated.

SEC. 9. *And be it further enacted,* That there shall be from time to time struck and coined, at the said Mint, coins of gold, silver, and copper, of the following denominations, values, and descriptions, viz: Eagles, each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four eighths of a grain of pure, or two hundred and seventy grains of standard gold; Half Eagles, each to be of the value of five dollars, and to contain one hundred and twenty-three grains and six eighths of a grain of pure, or one hundred and thirty-five grains of standard

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gold; Quarter Eagles, each to be of the value of two dollars and a half dollar, and to contain sixty-one grains and seven eighths of a grain of pure, or sixty-seven grains and four eighths of a grain of standard gold; Dollars or Units, each to be of the value of a Spanish milled dollar, as the same is now current, and to contain three hundred and seventy-one grains and four sixteenth parts of a grain of pure, or four hundred and sixteen grains of standard silver; Half Dollars, each to be of half the value of the dollar or unit, and to contain one hundred and eighty-five grains and ten sixteenth parts of a grain of pure, or two hundred and eight grains of standard silver; Quarter Dollars, each to be of one fourth the value of the dollar or unit, and to contain ninety-two grains and thirteen sixteenth parts of a grain of pure, or one hundred and four grains of standard silver; Dimes, each to be of the value of one tenth of a dollar or unit, and to contain thirty-seven grains and two sixteenth parts of a grain of pure, or forty-one grains and three fifth parts of a grain of standard silver; Half Dimes, each to be of the value of one twentieth of a dollar, and to contain eighteen grains and nine sixteenth parts of a grain of pure, or twenty grains and four fifth parts of a grain of standard silver; Cents, each to be of the value of the one hundredth part of a dollar, and to contain eleven pennyweights of copper; Half Cents, each to be of the value of half a cent, and to contain five pennyweights and half a pennyweight of copper.

SEC. 10. *And be it further enacted*, That upon the said coins respectively there shall be the following devices and legends, namely: Upon one side of each of the said coins there shall be an impression emblematic of Liberty, with an inscription of the word Liberty, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription, "United States of America;" and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent or half cent, as the case may require.

SEC. 11. *And be it further enacted*, That the proportional value of gold to silver, in all coins which shall by law be current as money within the United States, shall be as fifteen to one, according to quantity in weight, of pure gold or pure silver; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

SEC. 12. *And be it further enacted*, That the standard for all gold coins of the United States, shall be eleven parts fine, to one part alloy; and, accordingly, that eleven parts in twelve of the entire weight of each of the said coins shall consist of pure gold, and the remaining one twelfth part of alloy; and the said alloy shall be composed of silver and copper, in such proportions, not exceeding one half silver, as shall be found convenient, to be regulated by the Director of the Mint for the time being, with the approbation of the President

of the United States, until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the Director of the Mint, at the expiration of a year after commencing the operations of the said Mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins, the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy.

SEC. 13. *And be it further enacted*, That the standard for all silver coins of the United States, shall be one thousand four hundred and eighty-five parts fine, to one hundred and seventy-nine parts alloy; and accordingly, that one thousand four hundred and eighty-five parts in one thousand six hundred and sixty-four parts of the entire weight of each of the said coins, shall consist of pure silver, and the remaining one hundred and seventy-nine parts of alloy, which alloy shall be wholly of copper.

SEC. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said Mint gold and silver bullion, in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought. And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered shall, upon demand, receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained: *Provided, nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the Director of the said Mint, to make an immediate exchange of coins for standard bullion, with a deduction of one half per cent. from the weight of the pure gold or pure silver contained in the said bullion, as an indemnification to the Mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said Mint from time to time, whenever the state of the Treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as speedily as may be, out of the coins which shall have been made of the bullion for which the moneys so furnished shall have been exchanged; and the said deduction of one half per cent. shall constitute a fund towards defraying the expenses of the said Mint.

SEC. 15. *And be it further enacted*, That the bullion which shall be brought as aforesaid to the Mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which the said bullion shall have been brought or delivered, giving priority according to priority of delivery only, and without preference

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to any person or persons; and if any preference shall be given, contrary to the direction aforesaid, the officer by whom such undue preference shall be given shall in each case forfeit and pay one thousand dollars, to be recovered with costs of suit. And to the end that it may be known if such preference shall at any time be given, the Assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same, a memorandum in writing, under his hand, denoting the weight, fineness, and value thereof, together with the day and order of its delivery into the Mint.

SEC. 16. *And be it further enacted*, That all the gold and silver coins which shall have been struck at, and issued from the said Mint, shall be a lawful tender in all payments whatsoever; those of full weight according to the respective values herein before declared, and those of less than full weight at values proportional to their respective weights.

SEC. 17. *And be it further enacted*, That it shall be the duty of the respective officers of the said Mint, carefully and faithfully to use their best endeavors that all the gold and silver coins which shall be struck at the said Mint shall be, as nearly as may be, conformable to the several standards and weights aforesaid, and that the copper whereof the cents and half cents aforesaid may be composed, shall be of good quality.

SEC. 18. *And the better to secure a due conformity of the said gold and silver coins to their respective standards*, *Be it further enacted*, That from every separate mass of standard gold or silver, which shall be made into coins at the said Mint, there shall be taken, set apart by the Treasurer, and reserved in his custody, a certain number of pieces, not less than three; and that once in every year the pieces so set apart and reserved shall be assayed, under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, and the Attorney General of the United States, (who are hereby required to attend for that purpose at the said Mint, on the last Monday in July in each year,) or under the inspection of any three of them, in such manner as they or a majority of them shall direct, and in the presence of the Director, Assayer, and Chief Coiner of the said Mint; and if it shall be found that the gold and silver so assayed shall not be inferior to their respective standards herein before declared more than one part in one hundred and forty-four parts, the officer or officers of the said Mint whom it may concern shall be held excusable, but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer or officers shall be deemed disqualified to hold their respective offices.

SEC. 19. *And be it further enacted*, That if any of the gold or silver coins which shall be struck or coined at the said Mint, shall be debased or made worse, as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to the directions of this act, through the default or with the connivance of any of the officers

or persons who shall be employed at the said Mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said Mint, every such officer or person who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death.

SEC. 20. *And be it further enacted*, That the money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and that all accounts in the public offices, and all proceedings in the Courts of the United States shall be kept and had in conformity to this regulation.

Approved, April 2, 1792.

An Act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, the stakeage of channels on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-three, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to or vested in the United States by the State or States respectively in which the same may be, and that the said time be further allowed to the States respectively to make such cession.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized to cause to be provided, erected, and placed, a floating beacon, and as many buoys as may be necessary for the security of navigation, at and near the entrance of the harbor of Charleston, in the State of South Carolina; and also, to have affixed three floating beacons in the Bay of Chesapeake—one at the north end of Willoughby's Spit, another at the tail of the Horse Shoe, and the third on the shoalest place of the Middle Ground.

Approved, April 12, 1792.

An Act to erect a light-house on Montauk Point, in the State of New York.

Be it enacted, &c., That, as soon as the jurisdiction of such land on Montauk Point, in the State of New York, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a light-house, shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the

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President of the United States, for building a light-house thereon, and for furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same; and the President is hereby authorized to make the said appointments; that the number and disposition of the lights in said light-house shall be such as may tend to distinguish it, from others, and, as far as is practicable, prevent mistakes.

Approved, April 12, 1792.

An Act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, at the request of John Cleves Symmes, or his agent or agents, to alter the contract made between the late Board of Treasury and the said John Cleves Symmes for the sale of a tract of land of one million of acres, in such manner that the said tract may extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north, extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres: *Provided*, That the northern limits of the said tract shall not interfere with the boundary-line established by the treaty of Fort Harmar, between the United States and the Indian nations: *And provided, also*, That the President reserve to the United States such lands at and near Fort Washington as he may think necessary for the accommodation of a garrison at that fort.

Approved, April 12, 1792.

An Act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress.

Be it enacted, &c., That, from and after the termination of the present session of Congress, the Doorkeepers of the Senate and House of Representatives shall each be allowed a salary of five hundred dollars per annum, in full compensation for their services in the said offices; and that the Assistant Doorkeeper to each House shall be allowed, in full compensation for all his services, the sum of four hundred and fifty dollars per annum; and it shall be the duty of the said Doorkeepers to do the usual services pertaining to their respective offices during the session of Congress, and, in the recess, under the direction of the Secretary of the Senate and Clerk of the House of Representatives, to take care of the apartments occupied by the respective Houses, and provide fuel and other accommodations for their subsequent session; and the said compensation shall be certified and paid in like manner as is provided by law for the other officers of the Senate and House of Representatives.

Approved, April 12, 1792.

An Act for altering the times for holding the Circuit Courts, in certain districts of the United States, and for other purposes.

Be it enacted, &c., That, from and after the passing of this act, the Circuit Courts in the districts of North Carolina and Georgia shall be held as follows, to wit: In the district of North Carolina, on the first day of June and the thirtieth day of November, at Newbern, in the present and each succeeding year; and all writs and recognizances returnable, and suits and other proceedings that were continued to the Circuit Court for the district of North Carolina on the eighteenth day of June next, shall now be returned and held continued to the same Court on the first day of June next. In the district of Georgia, on the twenty-fifth day of April, at Savannah, and on the eighth day of November, at Augusta, in the present and each succeeding year, except when any of those days shall happen on Sunday, in which case, the Court shall be held on the Monday following.

SEC. 2. And be it further enacted, That the sessions of the Circuit Courts in the Eastern Circuit shall, in the present and every succeeding year, commence at the times following; that is to say: In New York district on the fifth day of April and the fifth day of September; in Connecticut district, on the twenty-fifth day of April and the twenty-fifth day of September; in Massachusetts district, on the twelfth day of May and twelfth day of October; in New Hampshire district, on the twenty-fourth day of May and the twenty-fourth day of October; and in Rhode Island district, on the seventh day of June and the seventh day of November, except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the Circuit Court shall be held in the district of Virginia, at the city of Richmond only; in New Hampshire district, at Portsmouth and Exeter alternately, beginning at the first; in Massachusetts district, at Boston; in Rhode Island district, at Newport and Providence alternately, beginning at the first; in Connecticut district, at Hartford and New Haven alternately, beginning at the last; and in New York district, at the city of New York only.

SEC. 3. And be it further enacted, That, at each session of the Supreme Court of the United States, or as soon after as may be, the Judges of the Supreme Court attending at such session shall, in writing, subscribed with their names, (which writing shall be lodged with the Clerk of the Supreme Court, and safely kept in his office,) assign to the said Judges, respectively, the circuits which they are to attend at the ensuing sessions of the Circuit Courts; which assignment shall be made in such manner that no Judge, unless by his own consent, shall have assigned to him any circuit which he has already attended, until the same has been afterwards attended by every other of the said Judges: *Provided, always*, That if the public service or the convenience of the Judges shall at any time, in their opinion, require a different arrangement, the same may take place, with the consent of any four of the Judges of the Supreme Court.

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SEC. 4. *And be it further enacted*, That the District Court for the district of Maine, which, by the act entitled "An act to establish the Judicial Courts of the United States," is holden on the first Tuesday of June, annually, at Portland, shall, from and after the passing of this act, be holden on the third Tuesday of June, annually, anything in the act aforesaid to the contrary notwithstanding; and all writs and recognizances returnable, and suits and other proceedings that were continued to the District Court for the district of Maine on the first Tuesday of June next, shall now be returnable and held continued to the same Court on the third Tuesday of June next.

SEC. 5. *And be it further enacted*, That the stated District Courts for the district of North Carolina shall, in future, be held at the towns of Newbern, Wilmington, and Edenton, in rotation, beginning at Newbern, as the said Court now stands adjourned.

Approved, April 13, 1792.

An Act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war.

Be it enacted, &c., That, as an indemnification to the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the use and occupation of the said school, and the damages done to the same by the troops of the United States, during the late war, there be granted to the said Corporation of Trustees a reasonable compensation, payable out of any unappropriated money in the Treasury of the United States, which compensation shall be ascertained by the accounting officers of the Treasury.

Approved, April 13, 1792.

An Act for apportioning Representatives among the several States according to the First Enumeration.

Be it enacted, &c., That, from and after the third day of March, one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each State, computed according to the rule prescribed by the Constitution, that is to say: Within the State of New Hampshire, four; within the State of Massachusetts, fourteen; within the State of Vermont, two; within the State of Rhode Island, two; within the State of Connecticut, seven; within the State of New York, ten; within the State of New Jersey, five; within the State of Pennsylvania, thirteen; within the State of Delaware, one; within the State of Maryland, eight; within the State of Virginia, nineteen; within the State of Kentucky, two; within the State of North Carolina, ten; within the State of South Carolina, six; and within the State of Georgia, two members.

Approved, April 14, 1792.

An Act concerning Consuls and Vice Consuls.

For carrying into full effect the Convention between the King of the French and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice Consuls—

Be it enacted, &c., That where, in the seventh article of the said Convention, it is agreed that, when there shall be no Consul or Vice Consul of the King of the French, to attend to the saving of the wreck of any French vessels stranded on the coasts of the United States, or that the residence of the said Consul or Vice Consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent Judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the District Judge of the United States of the district in which the wreck shall happen, shall proceed therein according to the tenor of the said article; and, in such cases, it shall be the duty of the officers of the customs within whose districts such wrecks shall happen, to give notice thereof, as soon as may be, to the said Judge, and to aid and assist him to perform the duties hereby assigned to him. The District Judges of the United States shall also, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said Convention; and it shall be incumbent on them to give aid to the Consuls and Vice Consuls of the King of the French, in arresting and securing deserters from vessels of the French nation, according to the tenor of the said article. And where, by any article of the said Convention, the Consuls and Vice Consuls of the King of the French are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the Marshals of the United States and their deputies shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations. And whenever commitments to the jails of the country shall become necessary, in pursuance of any stipulation of the said Convention, they shall be to such jails within the respective Districts as other commitments under the authority of the United States are, by law, made.

And for the direction of the Consuls and Vice Consuls of the United States, in certain cases—

SEC. 2. *Be it enacted by the authority aforesaid*, That they shall have right, in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizens of the United States; and the copies of the said acts, duly authenticated by the said Consuls or Vice Consuls, under the seal of their consulates, respectively, shall receive faith in law equally as their originals would in all Courts in the United States. It shall be their duty, where the laws of

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the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel, who shall die within their Consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects; they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others, at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the Treasury of the United States, to be holden in trust for the legal claimants; but, if, at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings. For the information of the representative of the deceased, it shall be the duty of the Consul or Vice Consul authorized to proceed, as aforesaid, in the settlement of his estate, immediately to notify his death in one of the gazettes published in the Consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

SEC. 3. *And be it further enacted*, That the said Consuls and Vice Consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their Consulates, respectively, shall, as far as the laws of the country will permit, take proper measures as well for the purpose of saving the said ships or vessels, their cargoes, and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners: *Provided*, That no Consul or Vice Consul shall have authority to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

SEC. 4. *And be it further enacted*, That it shall and may be lawful for every Consul and Vice Consul of the United States to take and receive the following fees of office for the services which he shall have performed: For authenticating under the Consular seal every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars; for the taking into possession, inventorying, selling, and finally settling and paying, or transmit-

ting as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his Consulate, five per centum on the gross amount of such estate; for taking into possession and otherwise proceeding on any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is hereinbefore directed, two-and-a-half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue. And it shall be the duty of the Consuls and Vice Consuls of the United States to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

SEC. 5. *And be it further enacted*, That, in case it be found necessary for the interest of the United States that a Consul or Consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars to each person so to be appointed: *Provided*, That such salary be not allowed to more than one Consul for any one of the States on the said coast.

SEC. 6. *And be it further enacted*, That every Consul and Vice Consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act; and the said bond shall be lodged in the office of the Secretary of the Treasury.

SEC. 7. *And be it further enacted*, That, to prevent the mariners and seamen employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness, or captivity, from suffering in foreign ports, it shall be the duty of the Consuls and Vice Consuls, respectively, from time to time, to provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man per diem. And all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said Consuls or Vice Consuls, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, free of costs or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burden of the said ship or vessel, on any one voy-

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age; and if any such captain or master shall refuse the same, on the request or order of the Consul or Vice Consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States by the said Consul or Vice Consul, in his own name, in any Court of competent jurisdiction.

Sec. 8. *And be it further enacted,* That, where a ship or vessel, belonging to citizens of the United States, is sold in a foreign port or place, the master, unless the crew are liable by their contract, or do consent to be discharged there, shall send them back to the State where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the Consul or Vice Consul of the United States having jurisdiction of the port or place; and, in case of the master's refusal, the said Consul or Vice Consul may (if the laws of the land permit it) cause his ship, goods, and person, to be arrested and held until he shall comply with his duty herein.

Sec. 9. *And be it further enacted,* That the specification of certain powers and duties, in this act, to be exercised or performed by the Consuls and Vice Consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any Treaty or Convention under which they may act.

Approved, April 14, 1792.

An Act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates.

Be it enacted, &c., That a certain contract expressed in an indenture executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then Board of Treasury for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the Directors of the Ohio Company of Associates, of the other part, so far as the same respects the following described tract of land, that is to say: Beginning at a station where the western boundary line of the seventh range of townships (laid out by the authority of the United States in Congress assembled) intersects the river Ohio; thence extending along that river southwesterly to a place where the western boundary line of the fifteenth range of townships (when laid out agreeably to the land ordinance passed the twentieth day of May, one thousand seven hundred and eighty-five) would touch the said river; thence running northerly on the said western bounds of the said fifteenth range of townships, till a line drawn due east to the western boundary line of the said seventh range of townships, will comprehend, with the other lines of this tract, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land in the said contract reserved or appropriated to particular purposes; thence running east to the western boundary line of the said seventh range of townships; and thence along the said line to the place of beginning, be, and the same is hereby, confirmed; and that the President of the United

States be, and he hereby is, authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, the said described tract of land, with the reservations in the said indenture expressed, in trust for the persons composing the said Ohio Company of Associates, according to their several rights and interests, and for their heirs and assigns, as tenants in common.

Sec. 2. *And be it further enacted,* That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in trust, for the uses above expressed, one other tract of two hundred and fourteen thousand two hundred and eighty-five acres of land: *Provided,* That the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, or either of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued for Army bounty rights sufficient for that purpose, according to the provision of a resolve of Congress of the twenty-third day of July, one thousand seven hundred and eighty-seven.

Sec. 3. *And be it further enacted,* That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a further quantity of one hundred thousand acres of land: *Provided, always, nevertheless,* That the said grant of one hundred thousand acres shall be made on the express condition of becoming void for such part thereof as the said Company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty, and free of expense, in tracts of one hundred acres, to each male person not less than eighteen years of age, being an actual settler at the time of such conveyance.

Sec. 4. *And be it further enacted,* That the said quantities of two hundred and fourteen thousand two hundred and eighty-five acres, and of one hundred thousand acres, shall be located within the limits of the tract of one million five hundred thousand acres of land, described in the indenture aforesaid, and adjoining to the tract of land described in the first section of this act, and in such form as the President, in the letters patent, shall prescribe for that purpose.

Approved, April 21, 1792.

An Act for raising a further Sum of Money for the Protection of the Frontiers, and for other purposes therein mentioned.

Be it enacted, &c., That, from and after the last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease, and that in lieu thereof, there shall be thenceforth laid, levied, and collected upon

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the said articles, at their said importation, the several and respective rates or duties following, viz:

Wines, namely: Madeira, of the quality of London particular, per gallon, fifty-six cents; Madeira, of the quality of London market, per gallon, forty-nine cents; other Madeira wine, per gallon, forty cents; Sherry, per gallon, thirty-three cents; Saint Lucar, per gallon, thirty cents; Lisbon, per gallon, twenty-five cents; Oporto, per gallon, twenty-five cents; Teneriffe and Fayal, per gallon, twenty cents. All other wines, forty per centum ad valorem, provided that the amount of the duty thereupon shall, in no case, exceed thirty cents per gallon.

Spirits, distilled wholly or, chiefly from grain: Of the first class of proof, per gallon, twenty-eight cents; of the second class of proof, per gallon, twenty-nine cents; of the third class of proof, per gallon, thirty-one cents; of the fourth class of proof, per gallon, thirty-four cents; of the fifth class of proof, per gallon, forty cents; of the sixth class of proof, per gallon, fifty cents.

All other distilled spirits: Of the second class of proof and under, per gallon, twenty-five cents; of the third class of proof and under, per gallon, twenty-eight cents; of the fourth class of proof and under, per gallon, thirty-two cents; of the fifth class of proof and under, per gallon, thirty-eight cents; of the sixth class of proof and under, per gallon, forty-six cents. Which several classes or denominations of proof shall be deemed and taken to correspond with those mentioned in the "act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States and for appropriating the same."

Beer, ale, and porter, per gallon, eight cents; steel, per hundred weight, one hundred cents; nails, per pound, two cents; cocoa, per pound, two cents; chocolate, per pound, three cents; playing cards, per pack, twenty-five cents; shoes and slippers of silk, twenty cents; all other shoes and slippers for men and women, clogs and golo-shoes, ten cents; all other shoes and slippers for children, seven cents; on hemp, for every one hundred and twelve pounds, one hundred cents; on cables, for every one hundred and twelve pounds, one hundred and eighty cents; on tarred cordage, for every one hundred and twelve pounds, one hundred and eighty cents; on untarred cordage and yarn, for every one hundred and twelve pounds, two hundred and twenty-five cents; on twine and packthread, for every one hundred and twelve pounds, four hundred cents; on coal, per bushel, four and a half cents; on salts, called Glauber salts, for every one hundred and twelve pounds, two hundred cents.

Articles ad valorem: China wares, looking glass, window and other glass, and all manufactures of glass, black quart bottles excepted; muskets, pistols, and other fire-arms; swords, cutlasses, hangars and other side arms; starch; hair powder; wafers; glue; laces, lines, fringes, tassels, and trimmings commonly used by upholsterers, coach-makers and saddlers, and paper-hangings; painters'

colors, whether dry or ground in oil—fifteen per centum ad valorem—cast, slit, and rolled iron, and, generally, all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being otherwise particularly enumerated, brass and iron wire excepted; cabinet wares; leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; medicinal drugs, except those commonly used in dyeing; hats, caps, and bonnets of every sort; gloves and mittens; stockings; millinery ready made; artificial flowers, feathers and other ornaments for women's head-dresses; fans; dolls, dressed and undressed; toys; buttons of every kind; carpets and carpeting, mats and floor cloths; sail cloth; sheathing and cartridge paper; all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions commonly called sweet scents, odors, perfumes, or cosmetics; all dentifrice-powders, tinctures, preparations, or compositions whatsoever, for the teeth or gums—ten per centum ad valorem.

SEC. 2. *Provided always, and be it further enacted,* That all articles which are excepted and exempted from duty by the "act making further provision for the payment of the Debts of the United States," shall continue to be so excepted and exempted; and that, to the articles heretofore made free from duty, the following shall be added, namely: copper in pigs and bars, lapis calaminaris, unmanufactured wool, wood, and sulphur.

SEC. 3. *And be it further enacted,* That, from and after the last day of June next, in computing the duty heretofore laid upon salt, a bushel of salt shall be deemed not to exceed the weight of fifty-six pounds avoirdupois; and as often as the actual bushel of salt shall exceed the said weight, such salt shall be charged in the proportion of the present rate of duty per bushel for every fifty-six pounds of its actual weight.

SEC. 4. *And be it further enacted,* That, after the said last of June next, there shall be laid, levied, and collected, in addition to the present duty thereupon, a duty of two and a half per centum ad valorem, upon all goods, wares, and merchandises, not above enumerated or described, which, if imported in ships or vessels of the United States, are now chargeable with a duty of five per centum ad valorem.

SEC. 5. *And be it further enacted,* That the addition of ten per centum made by the second section of the "act making further provision for the Debts of the United States," to the rates of duties on goods, wares and merchandise, imported in ships or vessels not of the United States, shall continue in full force and operation, after the said last day of June next, in relation to the articles herein before enumerated and described.

SEC. 6. *And be it further enacted,* That all drawbacks and allowances authorized by the act aforesaid, which have not been heretofore abolished or changed, shall continue to operate, as in the said act prescribed in relation to the several duties which shall become payable by virtue of this act;

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and that, in addition thereto, there shall be allowed and paid upon provisions salted within the United States, except upon dried fish, upon the exportation thereof to any foreign port or place, as follows, to wit: On pickled fish, at the rate of eight cents per barrel, and on other provisions at the rate of five cents per barrel; and from and after the first day of January next, there shall be an addition of twenty per centum to the allowances, respectively granted to ships or vessels employed in the Bank or other cod-fisheries, and in the terms provided by an act, entitled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and during the continuance of the said act.

SEC. 7. *And be it further enacted*, That all duties, drawbacks, and allowances, which, by virtue of this act, shall be payable or allowable on any specific quantity of goods, wares, and merchandise, shall be deemed to apply, in proportion, to any quantity more or less than such specific quantity.

SEC. 8. *And be it further enacted*, That the term of credit for the payment of duties on salt shall be nine months, and on all articles, the produce of the West Indies, salt excepted, where the amount of the duty to be paid by one person or co-partnership shall exceed fifty dollars, shall be four months, and that the duties on all other articles, except wines and teas, which shall be imported after the last day of June next, shall be payable, one half in six, one quarter in nine, and the other quarter in twelve calendar months, from the time of each respective importation.

SEC. 9. *And be it further enacted*, That the act, entitled, "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels," and as touching the duties on distilled spirits only, the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained, had been herein inserted and re-enacted.

SEC. 10. *And be it further enacted*, That all wines which, after the said last day of June next, shall be imported into the United States, shall be landed under the care of the inspector of the port where the same shall be landed, and for that purpose, every permit for landing any wines, which shall be granted by a collector, shall, prior to such landing, be produced to the said inspector who, by endorsement thereupon under his hand, shall signify the production thereof to him, and the time when, after which, and not otherwise, on pain of forfeiture, it shall be lawful to land the said wines. And the said inspector shall make an entry of all

such permits, and of the contents thereof, and each pipe, butt, hogshead, cask, case, box, or package whatsoever, containing such wines, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, the name of the said officer, and the quality or kind of wine, as herein before enumerated and distinguished. And the said officer shall grant a certificate for each such pipe, butt, hogshead, cask, case, box, or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof, to accompany the same wheresoever it shall be sent. And if any pipe, butt, hogshead, cask, case, box, or package, containing wine, shall be found without such marks and certificates, the same shall be liable to be seized, and the want of such marks and certificates shall be presumptive evidence that such wine was unlawfully imported and landed.

SEC. 11. *And be it further enacted*, That every person who shall have in his or her possession wines which are intended for sale, in quantity exceeding one hundred and fifty gallons, shall, prior to the said last day of June next, make entry thereof, in writing, at some office of inspection in the city, town, or county where he or she shall reside, specifying and describing the casks, cases, boxes, and other packages containing the same; and the kinds, qualities, and quantities thereof, and where and in whose possession they are; and the officer of inspection, at whose office such entry may be made, shall, as soon as may be thereafter, visit and inspect, or cause to be visited and inspected, the wines so reported; and shall mark, or cause to be marked, the casks, cases, boxes, and packages, containing the same, with progressive numbers, with the name of the person to whom the same may belong, the kind or kinds thereof, and the words "Old Stock," and shall grant a certificate for each cask, case, box, or package, containing such wine, describing therein the said cask, case, box, or package, and the wines therein contained, which certificate shall accompany the same, wherever it may be sent. And if any person who may have wines in his or her possession for sale, shall not, prior to the said last day of June next, make entry thereof, as above directed, he or she, for such omission or neglect, shall forfeit and pay the value of the wine omitted to be entered, to be recovered with costs of suit, for the benefit of any person who shall give information thereof; and the wines, so omitted to be entered, shall be forfeited.

SEC. 12. *And be it further enacted*, That, from and after the last day of December next, no beer, ale, or porter, shall be brought into the United States, from any foreign port or place, except in casks or vessels, the capacity whereof shall not be less than forty gallons, or in packages containing not less than six dozen of bottles, on pain of forfeiture of the said beer, ale, or porter, and of the ship or vessel, in which the same shall be brought.

SEC. 13. *And be it further enacted*, That the several and respective duties, aforesaid, except

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that mentioned in the fourth section of this act, shall continue to be levied, collected, and paid, until the debts and purposes, to and for which the duties, hereby directed to cease after the last day of June next, were pledged and appropriated, shall have been fully paid and satisfied; and that so much thereof, as may be necessary, shall be, and are hereby pledged and appropriated, in the same manner, for the same purposes, and with the same force and effect, as those, which are hereby directed to cease after the said last day of June next; and that so much of the residue thereof, as may be necessary, shall be, and are hereby appropriated for making good deficiencies in any funds which may have been designated for satisfying grants and appropriations heretofore made.

SEC. 14. *And be it further enacted,* That the additional duty of two-and-a-half per centum ad valorem, specified in the fourth section of this act, shall continue for the term of two years, from the commencement thereof, and no longer.

SEC. 15. *And be it further enacted,* That the sum of one hundred and fifty thousand dollars, out of the surplus of the duties, which accrued to the end of the year one thousand seven hundred and ninety-one, and a further sum of five hundred and twenty-three thousand five hundred dollars, out of the surplus of the duties hereby established as the same shall accrue, making, together, the sum of six hundred and seventy-three thousand five hundred dollars, shall be, and are hereby appropriated and applied, in addition to any former appropriation for the Military Establishment of the United States, towards carrying into execution the act, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States."

SEC. 16. *And be it further enacted,* That the President of the United States be empowered to take on loan, on account of the United States, from the President, Directors, and Company of the Bank of the United States, who are hereby authorized and empowered to lend the same, or from any other body politic or corporate within the United States, or from any other person or persons, the whole or any part of the aforesaid sum of five hundred and twenty-three thousand five hundred dollars, to be applied to the purpose, to and for which the same is above appropriated, and to be reimbursed out of the aforesaid surplus of the duties by this act imposed, which surplus is, accordingly, appropriated to the said reimbursement: *Provided,* That the rate of interest of such loans shall not exceed five per centum per annum, and that the principal thereof may be reimbursed at pleasure of the United States.

SEC. 17. *And be it further enacted,* That so much of the act, entitled, "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as hath rated the livre tournois of France at eighteen-and-a-half cents, be, and the same is hereby, repealed.

SEC. 18. *And be it enacted and declared,* That if the principal, in any bond which shall be given to

the United States, for duties on goods, wares, and merchandise imported, shall be insolvent; or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors, or administrators, shall be insufficient for the payment of his or her debts; and if in either of the said cases any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the moneys thereupon due, such surety, his or her executors or administrators shall have and enjoy the like advantage, priority, and preference, for the recovery and receipt of the said moneys out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States, by the forty-fourth section of the act, entitled "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," and shall and may bring and maintain a suit upon the said bond, in law or equity, in his, her, or their own name or names, for the recovery of the moneys which shall have been paid thereupon. *And it is further declared,* That the cases of insolvency in the said forty-fourth section mentioned, shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed, or absent debtor, shall have been attached by process of law, as to cases in which an act of legal bankruptcy shall have been committed.

SEC. 19. *And be it further enacted,* That the President of the United States be, and hereby is, authorized to appoint such place within the district of Vermont to be the port of entry and delivery within the said district, as he may deem expedient, anything in the act, entitled "An act giving effect to the laws of the United States within the State of Vermont," to the contrary notwithstanding.

Approved, May 2, 1792.

An Act to provide for calling forth the Militia to execute the Laws of the Union, to suppress insurrections, and repel invasions.

Be it enacted, &c., That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper; and, in case of an insurrection in any State against the Government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, or as he may judge sufficient to suppress such insurrection.

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SEC. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an Associate Justice or the District Judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed; and if the militia of a State where such combinations may happen shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto as may be necessary; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

SEC. 3. *And be it further enacted,* That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time.

SEC. 4. *And be it further enacted,* That the militia employed in the service of the United States shall receive the same pay and allowances as the troops of the United States who may be in service at the same time, or who were last in service, and shall be subject to the same rules and articles of war; and that no officer, non-commissioned officer, or private of the militia, shall be compelled to serve more than three months in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. *And be it further enacted,* That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial; and such non-commissioned officers and privates shall be liable to be imprisoned by a like sentence on failure of payment of the fines adjudged against them, for the space of one calendar month for every five dollars of such fine.

SEC. 6. *And be it further enacted,* That courts-martial for the trial of militia shall be composed of militia officers only.

SEC. 7. *And be it further enacted,* That all fines, to be assessed as aforesaid, shall be certified by the presiding officer of the court-martial before whom the same shall be assessed to the marshal of the district in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue of the same district, who shall record

the said certificate in a book to be kept for that purpose; the said marshal or his deputy shall forthwith proceed to levy the said fines, with costs, by distress and sale of the goods and chattels of the delinquent, which costs, and the manner of proceeding with respect to the sale of the goods distrained, shall be agreeably to the laws of the State in which the same shall be in other cases of distress; and where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the said fines, the marshal of the district or his deputy may commit such delinquent to jail during the term for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

SEC. 8. *And be it further enacted,* That the marshals and their deputies shall pay all such fines by them levied to the supervisor of the revenue, in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information in any Court of the United States, of the district in which such fines shall be levied having cognizance thereof, to be sued for, prosecuted and recovered, in the name of the supervisor of the district, with interest and costs.

SEC. 9. *And be it further enacted,* That the marshals of the several districts and their deputies shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States have by law, in executing the laws of their respective States.

SEC. 10. *And be it further enacted,* That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, May 2, 1792.

An Act for the relief of persons imprisoned for Debt.

Be it enacted, &c., That persons imprisoned on executions issuing from any Court of the United States for satisfaction of judgments in any civil actions, shall be entitled to like privileges of the yards or limits of the respective jails, as persons confined in such jails for debt on judgments rendered in the Courts of the several States are entitled to, and under the like regulations and restrictions.

SEC. 2. *And be it further enacted,* That any person imprisoned as aforesaid may have the oath or affirmation hereinafter expressed administered to him by any Judge of the United States, or of the General or Supreme Court of Law of the State in which the debtor is imprisoned, the creditor, his agent, or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having at least thirty days' previous notice, by a citation served on him, issued by any

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such Judge, to appear at the time therein mentioned at the said jail, if he see fit, to show cause why the said oath or affirmation should not be so administered; at which time and place, if no sufficient cause, in the opinion of the Judge, be shown, or doth from examination appear to the contrary, he may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz: "You, ———, solemnly swear (or affirm) that you have not estate, real or personal, nor is any to your knowledge, holden in trust for you to the amount or value of twenty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the Judge shall certify the same, under his hand, to the prison-keeper, and shall fix a reasonable allowance for the debtor's support, not exceeding one dollar per week; and, if the creditor shall thereafter, any week fail to furnish the debtor with such weekly support, by paying or advancing the money to him, or to the prison-keeper, for his use, the debtor shall be discharged from his imprisonment, on such judgment, and shall not be liable to be imprisoned again for the said debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor.

SEC. 3. *And be it further enacted*, That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and suffer the pains and penalties in that case provided.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

Approved, May 5, 1792.

An Act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, such number of acres of land as the payments already made by the said John Cleves Symmes, his agents, or associates, under their contract of the fifteenth day of October, one thousand seven hundred and eighty-eight, will pay for, estimating the lands at two-thirds of a dollar per acre, and making the reservations specified in the said contract.

SEC. 2. *And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, one other tract of one hundred and six thousand eight hundred and fifty-seven acres, with the reservations as aforesaid: *Provided*, That the said John Cleves Symmes, or his agents or asso-

ciates, or any of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued for Army bounty rights sufficient for that purpose, according to the provision of the resolves of Congress of the twenty-third of July and second of October, one thousand seven hundred and eighty-seven; but, in case so many warrants should not be delivered, then the letters patent last aforesaid to be given for such number of acres as shall be in proportion to the warrants so delivered.

SEC. 3. *And be it further enacted*, That the President be, and he is hereby, authorized and empowered, by letters patent as aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs, and assigns, in trust for the purpose of establishing an Academy and other Public Schools and Seminaries of Learning, one complete township, conformably to an order of Congress of the second of October, one thousand seven hundred and eighty-seven, made in consequence of the application of the said John Cleves Symmes, for the purchase of the tract aforesaid.

SEC. 4. *And be it further enacted*, That the several quantities of land to be granted and conveyed as aforesaid, shall be included and located within such limits and lines of boundary as the President may judge expedient, agreeably to an act passed the twelfth day of April, one thousand seven hundred and ninety-two, "for ascertaining the bounds of a tract of land purchased by John Cleves Symmes."

Approved, May 5, 1792.

An Act to alter the time for the next annual meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next annual meeting of Congress shall be on the first Monday in November next.

Approved, May 5, 1792.

An Act concerning the Duties on Spirits distilled within the United States.

Be it enacted, &c., That, from and after the last day of June next, the present duties upon spirits distilled within the United States, and on stills, shall cease, and that, in lieu thereof, upon all spirits which, after the said day, shall be distilled within the United States wholly or in part from molasses, sugar, or other foreign materials, there shall be paid the duties following: that is to say—

For every gallon of those spirits of the first class of proof, ten cents; for every gallon of those spirits of the second class of proof, eleven cents; for every gallon of those spirits of the third class of proof, twelve cents; for every gallon of those spirits of the fourth class of proof, fourteen cents; for every gallon of those spirits of the fifth class of proof, eighteen cents; for every gallon of those spirits of the sixth class of proof, twenty-five cents. And upon all spirits which after the said day shall be distilled within the United States from materials of the growth or produce of the United States, in any city, town, or village, at

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any distillery at which there shall be one or more stills which singly or together shall be of the capacity of four hundred gallons or upwards, there shall be paid the duties following: that is to say—

For every gallon of those spirits of the first class of proof, seven cents; for every gallon of those spirits of the second class of proof, eight cents; for every gallon of those spirits of the third class of proof, nine cents; for every gallon of those spirits of the fourth class of proof, eleven cents; for every gallon of those spirits of the fifth class of proof, thirteen cents; for every gallon of those spirits of the sixth class of proof, eighteen cents. And upon stills which after the said day shall be employed in distilling spirits from materials of the growth or produce of the United States, at any other place than a city, town, or village, or at any distillery in a city, town, or village at which there shall be one or more stills, which singly, if only one, or together, if more than one, shall be of less capacity than four hundred gallons, there shall be paid the yearly duty of fifty-four cents for every gallon English wine measure of the capacity or content of each and every such still, including the head thereof: *Provided*, That it shall be at the option of the proprietor or possessor of any such still, instead of the said yearly duty, either to pay seven cents for every gallon of spirits by him or her distilled, or to pay at the rate of ten cents per gallon of the capacity for each and every month of the employment of any such still; and in case the said proprietor or possessor shall elect to pay either the said rate of seven cents per gallon, of the spirits by him or her distilled, or the said monthly rate of ten cents, according to the capacity of his or her still or stills, he or she at the time of making entry of his or her still or stills in manner herein-after directed, shall by writing under his or her hand, left at the office of inspection where such entry shall be made, notify the said election, and if the same shall be to pay the said monthly rate of ten cents, shall demand a license for the term of time, specifying the day of commencing and the day of ending, during which he or she shall intend to work his or her still or stills, which license shall, without delay or expense to the said proprietor or possessor, be granted, and shall be signed by the supervisors of the revenue, and countersigned by the officer at whose office application for the same shall have been made. And in the case of an election, to pay the said monthly rate of ten cents, it shall not be lawful for any person by whom the same shall have been made, to work his or her still or stills, at any time, within the year from the date of his or her entry thereof, other than that for which a license shall have been granted, unless he or she shall have previously obtained another license for such further time, which upon like application shall and may be granted in like manner; and if any such person shall work his or her still or stills contrary to the direction or provision aforesaid, he or she shall forfeit and pay for every such offence two hundred dollars. And in every case in which any proprietor or possessor of a still or stills subject to the

payment of duty according to the capacity of such still or stills, shall not make election to pay according to one or the other of the alternatives aforesaid, or shall not duly comply therewith, he or she shall be liable to pay, and shall pay, the said yearly rate of fifty-four cents for every gallon of the capacity or capacities of his or her still or stills.

Sec. 2. *And be it further enacted*, That there be in each county comprehended within any district at least one office of inspection, at which every person having or keeping a still or stills within such county shall, between the last day of May and the first day of July in each year, make entry of such still or stills, and at which every person, who, being a resident within the county, shall procure a still or stills, or who, removing within a county, shall bring therein a still or stills, shall, within thirty days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry, besides describing each still and the capacity thereof, shall specify the place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling; and, in the case of removal, shall specify the place from which every such still shall have been brought.

Sec. 3. *And be it further enacted*, That every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon; and that every owner of land upon which any still shall be worked shall be liable for the duty thereupon, unless the same shall be worked by a lawful and *bona fide* tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear that the possessor of, or person by whom, such still shall have been worked, was, during the whole time of working the same, a trespasser or intruder on his land.

Sec. 4. *And be it further enacted*, That every officer of inspection within whose survey any distillery of geneva or sweet cordials, subject to the payment of duty by the gallon of the spirits distilled thereon may be, shall forbear to visit or inspect for a space not exceeding two hours in each day such part of the said distillery as he may be required by the proprietor, possessor, or manager of such distillery to forbear to visit and inspect, for which purpose it shall be necessary for the said proprietor, possessor, or manager to give notice, in writing, to the said officer, describing therein particularly the part of such distillery which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired.

Sec. 5. *And be it further enacted*, That it shall be in the discretion of the Secretary of the Treasury to regulate as well the marks to be set upon the casks, vessels, and packages, containing distilled spirits, as the forms of the certificates which are to accompany the same; and that when any cask or vessel in which distilled spirits have been contained shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of, an officer of in-

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spection; and if the said cask or vessel shall afterwards be used for putting therein other spirits, the same may be marked anew.

Sec. 6. *And be it further enacted*, That, instead of a notice of twenty-four hours, heretofore required to be given, of the intent to export distilled spirits, in order to the benefit of the drawback of the duties thereupon, six hours shall be sufficient.

Sec. 7. *And be it further enacted*, That there be an abatement for leakage at the rate of two per cent., in every case in which the duty shall be payable by the gallon of the spirits distilled, to be allowed at the distillery where such spirits shall be made.

Sec. 8. *And be it further enacted*, That the officer of inspection within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still, shall identify, by progressive numbers and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still.

Sec. 9. *And be it further enacted*, That every distiller of, and dealer in, spirits who may have in his or her possession distilled spirits not made or certified, pursuant to the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall, prior to the last day of September next, report the spirits in his or her possession, in writing, at some office of inspection, to the end that such spirits may be marked and certified as Old Stock. And that, from and after the last day of September next, casks and vessels of the capacity of twenty gallons and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture; and that it shall be the duty of the several officers of inspection, upon request of any dealer or distiller, to take measures for the marking of casks, vessels, and packages containing distilled spirits, and to furnish such dealer or distiller, free from expense, with certificates to accompany the same: *Provided*, That it shall not be incumbent upon any such officer to mark or certify any cask, vessel, or package which ought to have been before marked or certified according to any law of the United States.

Sec. 10. *And be it further enacted*, That, from and after the last day of April, one thousand seven hundred and ninety-three, no distilled spirits, except arrack and sweet cordials, shall be brought into the United States from any foreign port or place, except in casks or vessels of the capacity of ninety gallons and upwards.

Sec. 11. *And be it further enacted*, That no drawback of the duty on distilled spirits which shall be exported after the last day of June next,

shall be allowed upon any quantity less than one hundred gallons.

Sec. 12. *And be it further enacted*, That, after the last day of June next, no distilled spirits shall be brought into the United States from any foreign port or place in any cask or vessel which shall have been marked pursuant to any law of the United States concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought.

Sec. 13. *And be it further enacted*, That if the owner or possessor of any still or stills shall neglect to make entry thereof, within the time and in the manner prescribed by the second section of this act, such owner or possessor shall forfeit and pay the sum of two hundred and fifty dollars; and if any distilled spirits, except arrack and sweet cordials, shall, after the last day of April next, be brought into the United States in casks or vessels of less capacity than ninety gallons, all such spirits, and the casks and vessels containing the same, shall be subject to seizure and forfeiture, and every such penalty or forfeiture shall be one-half to the use of the United States, and the other half to the use of the person who shall first discover and make known the matter or thing whereby the same shall have been incurred.

Sec. 14. *And be it further enacted and declared*, That the duties hereby laid shall continue in force for the same time, and are hereby pledged and appropriated to and for the same purposes as those in lieu of which they are laid, and pursuant to the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same."

Sec. 15. *And be it further enacted*, That to make good any deficiency which may happen in consequence of the reduction hereby made in the rates of the duties on spirits distilled within the United States, and on stills, so much of the product of the duties laid by the act entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," as may be necessary, shall be, and is hereby, pledged and appropriated to the same purposes, to and for which the duties hereby reduced were pledged and appropriated.

Sec. 16. *And be it further enacted*, That the President of the United States be authorized to make such allowances for their respective services to the supervisors, inspectors, and other officers of inspection as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the United States shall not exceed seven-and-a-half per centum of the total product of the duties on distilled spirits for the period to which the said allowances shall relate, computing from the time the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States,

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and for appropriating the same," took effect: *And, provided, also,* That such allowance shall not exceed the annual amount of seventy thousand dollars, until the same shall be further ascertained by law.

SEC. 17. *And be it further enacted,* That the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall extend to, and be in full force for, the collection of the several duties herein before mentioned, and for the recovery and distribution of the penalties and forfeitures herein contained, and generally for the execution of this act, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained were inserted in, and re-enacted by, this present act, subject only to the alterations hereby made.

Approved, May 8, 1792.

An Act relative to the compensations to certain officers employed in the collection of the duties of Impost and Tonnage.

Be it enacted, &c., That, from and after the last day of June next, in addition to the fees and emoluments which may accrue to the officers employed in the collection of the duties of impost and tonnage, by the provisions already made, they shall severally have, and be entitled to the respective allowances following, to wit: The surveyors of Newburyport, Salem, Saint Mary's and Wilmington, in North Carolina, the yearly sum of one hundred dollars, each; the surveyors of Beverley, North Kingston, East Greenwich, Warren, Bristol, Pawcatuck River, Providence, Patuxet, New Haven, Lewellensburg, Alexandria, Beaufort, Hertford, Winton, Bennet's Creek, Plymouth, Windsor, Skewarkey, Murfreesborough, Nixonton, Indian Town, Currituck Inlet, Pasquotank River Bridge and Newbiggen Creek, the yearly sum of eighty dollars each; the surveyor of Portsmouth, the yearly sum of sixty dollars; the surveyor of Ipswich, Portland, Newport, Stonington, Middleton, Bermuda Hundred, Petersburg, Richmond, and Savannah, the yearly sum of fifty dollars, each; the surveyors of Gloucester, New London, and Swansborough, the yearly sum of thirty dollars, each; the surveyors of Hudson, Little Egg Harbor, Suffolk, Smithfield, Urbanna, and Fredericksburg, the yearly sum of twenty dollars, each; the collector of the district of Wilmington, in North Carolina, the yearly sum of one hundred and fifty dollars; the collectors of the districts of Portsmouth, Gloucester, Albany, Annapolis, Vienna, Nottingham, Yorktown, Dumfries and Louisville, the yearly sum of one hundred dollars, each; the collector of the district of Fairfield, the yearly sum of eighty dollars; the collectors of the districts of Marblehead, Plymouth, Barnstable, Nantucket, New Bedford, Dighton, York, Biddeford and Pepperelborough, Bath, Wiscasset, Machias, Newport, New Haven, Perth Amboy, Great Egg Harbor, Wilmington, in Delaware, Chester, Cedarpoint,

Georgetown, Hampton, South Quay, Washington, Plank-bridge and Georgetown, in South Carolina, the yearly sum of fifty dollars, each; the naval officer of the district of Portsmouth, the yearly sum of one hundred dollars; the naval officers of the districts of Newburyport, Newport, Providence, Wilmington, in North Carolina, and Savannah, the yearly sum of fifty dollars, each; the collector of the district of Salem and Beverly, one fourth of one per centum on the amount of all moneys by him received on account of the said duties; and to the collectors of the districts of Portsmouth, Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, Portland, Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Newport, Providence, New Haven, Fairfield, Perth Amboy, Burlington, Great Egg Harbor, Wilmington, in Delaware, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Cedarpoint, Georgetown, in Maryland, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherrystone, South Quay, Wilmington, in North Carolina, Newbern, Washington, Edenton, Plank-bridge, Georgetown, in South Carolina, Beaufort, and Savannah, each, one-half of one per centum on the amount of all moneys by them respectively received on account of the duties aforesaid.

SEC. 2. *And be it further enacted,* That, from and after the last day of June next, the allowance of three-fourths of one per centum to the collectors of the districts of Pennsylvania and the city of New York, on the amount of all moneys by them respectively received, on account of the duties of impost and tonnage, shall cease, and instead thereof, they shall, after that time, be entitled to one-half of one per centum on all such moneys by them respectively received.

SEC. 3. *And be it further enacted,* That, from and after the last day of June next, the expense of fuel, office rent, and necessary stationery, for the collectors of the districts of Salem and Beverley, Boston and Charlestown, the cities of New York, Philadelphia and Charleston, the towns of Baltimore, Norfolk and Portsmouth, shall be paid, three-fourths by the said collectors, and the other fourth by the respective naval officers in those districts.

SEC. 4. *And be it further enacted,* That, whenever a collector shall die, the commissions, to which he would have been entitled on the receipt of all duties bonded by him, shall be equally divided between the legal representatives of such deceased collector and his successor in office, whose duty it shall be collect the same; and for this purpose the said representatives shall deliver over to such successor all the public or official books, papers, and accounts of the said deceased.

Approved, May 8, 1792.

An Act to continue in force the act, entitled "An act to provide for mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases," and to make further provision for the payment of Pensions to Invalids.

Be it enacted, &c., That the act, entitled "An

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act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be, and hereby is continued in full force for the term of three years, from the passing of this act, and no longer. *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States to grant pardons for offences against the United States.

SEC. 2. *And be it further enacted*, That the yearly pensions which have been or may be, allowed by, or in pursuance of, any act or law of the United States, to persons who were wounded and disabled in the public service, shall, for the space of one year from the fourth day of March last, be paid out of the Treasury of the United States, under such regulations as the President of the United States may direct.

Approved, May 8, 1792.

An Act supplementary to the Act for making provision for the Debt of the United States.

Be it enacted, &c., That the term for receiving on Loan that part of the Domestic Debt of the United States, which hath not been subscribed pursuant to the terms proposed in the act entitled "An act making provision for the Debt of the United States," shall be, and it is hereby extended on the same terms as in and by the said act is provided, to the first day of March next; and books for receiving such further subscriptions shall be opened at the Treasury of the United States, and by the Commissioners of Loans in each of the said States, on the first day of June next, which shall continue open until the said first day of March next, inclusively; for which purpose, the said Commissioners, respectively, are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

SEC. 2. *And be it further enacted*, That such of the creditors of the United States as have not subscribed, and shall not subscribe to the said Loan, shall nevertheless receive a rate per centum on the amount of so much of their respective demands, as well for interest as principal, as, on or before the first day of March shall be registered conformably to the directions of the said act, as shall be equal to the interest payable to the subscribing creditors, which shall be payable at the same times and places, and by the same persons, as in and by the said act is directed.

SEC. 3. *And be it further enacted*, That the term for receiving upon Loan that part of the Debts of the respective States which hath not been subscribed pursuant to the terms proposed in the act aforesaid, shall be, and it is hereby, enlarged on the same terms as in and by the said act is provided, until the first day of March, one thousand seven hundred and ninety-three, inclusively; for which purpose, books shall be opened at the Treasury of the United States, and by the Commissioners of Loans in each of the said States, on the first day of June next, which shall continue open until the first day of March, one thousand seven

hundred and ninety-three inclusively; for which purposes, the said Commissioners are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

SEC. 4. *And be it further enacted*, That the Commissioner of Loans for North Carolina shall not be allowed to receive any certificate issued by Patrick Travers, Commissioner of Cumberland county, or by the Commissioners of Army accounts at Warrenton.

SEC. 5. *And, whereas* the United States are indebted to certain foreign officers, on account of pay and services during the late war, the interest whereof, pursuant to the certificates granted to the said officers by virtue of a resolution of the United States in Congress assembled, is payable at the house of ———, grand banker, at Paris, and it is expedient to discharge the same: *Be it therefore enacted*, That the President of the United States be, and he hereby is, authorized to cause to be discharged the principal and interest of the said Debt, out of any of the moneys which have been, or shall be obtained on Loan, in virtue of the act aforesaid, and which shall not be necessary ultimately to fulfil the purposes for which the said moneys are, in and by the said act, authorized to be borrowed.

SEC. 6. *And be it further enacted*, That the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, shall be Commissioners who, or any three of whom, are hereby authorized, with the approbation of the President of the United States, to purchase the Debt of the United States, at its market price, if not exceeding the par or true value thereof; for which purchase, the interest on so much of the Public Debt as has already been, or may hereafter be, purchased for the United States, or as shall be paid into the Treasury, and so much of the moneys appropriated for the payment of the interest on the Foreign and Domestic Debt as shall exceed what may be sufficient for the payment of such interest to the creditors of the United States, shall be, and are hereby appropriated. And it shall be the duty of the said Commissioners to render to the Legislature, within two months after the commencement of the first session thereof in every year, a full and precise account of all such purchases made and Public Debt redeemed in pursuance of this act.

SEC. 7. *And, whereas* it is expedient to establish a fund for the gradual reduction of the Public Debt: *Be it further enacted*, That the interest on so much of the Debt of the United States as has been or shall be purchased or redeemed for or by the United States, or as shall be paid into the Treasury thereof in satisfaction of any debt or demand, and the surplus of any sum or sums appropriated for the payment of the interest upon the said Debt, which shall remain after paying such interest, shall be, and hereby are, appropriated and pledged firmly and inviolably for and to the purchase and redemption of the said Debt, to be applied under the direction of the President of the

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Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, or any three of them, with the approbation of the President of the United States, for the time being, in manner following, that is to say: First, to the purchase of the several species of stock constituting the Debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and, as nearly as may be, in equal proportions, until the annual amount of the said funds, together with any other provisions which may be made by law, shall be equal to two per centum of the whole amount of the outstanding funded stock, bearing a present interest of six per centum; thenceforth, secondly, to the redemption of the said last-mentioned stock, according to the right for that purpose reserved to the United States, until the whole amount thereof shall have been redeemed; and lastly, after such redemption, to the purchase, at its market price, of any other stock consisting of the Debt of the United States, which may then remain unredeemed; and such purchase, as far as the fund shall at any time extend, shall be made within thirty days next after each day on which a quarterly payment of interest on the Debt of the United States shall become due, and shall be made by a known agent, to be named by the said Commissioners.

SEC. 8. *And be it further enacted*, That all future purchases of Public Debt on account of the United States, shall be made at the lowest price at which the same can be obtained by open purchase, or by receiving sealed proposals, to be opened in the presence of the Commissioners, or persons authorized by them to make purchases, and the persons making such proposals.

SEC. 9. *And be it further enacted*, That quarter-yearly accounts of the application of the said fund shall be rendered for settlement, as other public accounts, accompanied with returns of the sums of the said Debt, which shall have been from time to time purchased or redeemed; and full and exact report of the proceedings of the said Commissioners, including a statement of the disbursements which shall have been made, and of the sums which shall have been purchased or redeemed under their direction, and specifying dates, prices, parties, and places, shall be laid before Congress within the first fourteen days of each session which may ensue the present, during the execution of the said trust.

Approved, May 8, 1792.

An Act making alterations in the Treasury and War Departments.

Be it enacted, &c., That there be an accountant to the Department of War, who shall be charged with the settlement of all accounts relative to the pay of the Army, the subsistence of officers, bounties to soldiers, the expenses of the recruiting service, the incidental and contingent expenses of the Department; and who shall report, from time to time, all such settlements as shall have been made by him, for the inspection and revision of the ac-

counting officers of the Treasury; and the said accountant shall also be charged with the settlement of all claims for personal service authorized by the act of this Congress, of the 27th of March last, and of all military claims lodged in the late office of the Paymaster General and Commissioner of Army accounts, which are not foreclosed by the acts of limitation of the late Congress, and he shall report, from time to time, all such settlements as have been made by him, for the inspection and revision of the Comptroller of the Treasury. The compensation of the said accountant shall be a yearly salary of one thousand two hundred dollars.

SEC. 2. *And be it further enacted*, That the Treasurer of the United States shall disburse all such moneys as shall have been previously ordered for the use of the Department of War, by warrants from the Treasury; which disbursements shall be made pursuant to warrants from the Secretary of War, countersigned by the accountant.

SEC. 3. *And be it further enacted*, That there be a Paymaster to reside near the headquarters of the troops of the United States. That it shall be the duty of the said Paymaster to receive from the Treasurer all the moneys which shall be intrusted to him for the purpose of paying the pay, the arrears of pay, subsistence, or forage due to the troops of the United States. That he shall receive the pay abstracts of the Paymasters of the several regiments or corps, and compare the same with the returns or muster-rolls, which shall accompany the said pay abstracts. That he shall certify accurately, to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said Deputy Paymaster for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the War Department, in order to be there examined and finally adjusted at the Treasury. That the said Paymaster shall give bond in the sum of twenty thousand dollars, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath faithfully to execute the duties of his office. That the compensation to the said Paymaster shall be sixty dollars monthly, with the same rations and forage as a Major.

SEC. 4. *And be it further enacted*, That no assignment of pay, made after the first day of June next, by a non-commissioned officer or private, shall be valid.

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplying the Army with provisions, clothing, supplies in the Quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the Department of War, be made by or under the direction of the Treasury Department.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall direct the superintendence of the collection of the duties on import and tonnage as he shall judge best. That the present office of assistant to the Secretary of

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the Treasury be abolished, and that instead thereof there be an officer in the Department of the Treasury, to be denominated Commissioner of the Revenue, who shall be charged with superintending, under the direction of the Head of the Department, the collection of the other revenues of the United States, and shall execute such other services, being conformable to the constitution of the Department, as shall be directed by the Secretary of the Treasury. That the compensation of the said Commissioner shall be a salary of one thousand nine hundred dollars per annum.

SEC. 7. *And be it further enacted,* That in every case of an account or claim not finally adjusted, upon which the present Comptroller of the Treasury, as Auditor, may have decided, it shall be the duty of the Commissioner of the Revenue, and of the Auditor of the Treasury, finally to adjust the same; and in case of disagreement between the said Commissioner and Auditor, the decision of the Attorney General shall be final.

SEC. 8. *And be it further enacted,* That, in case of the death, absence from the Seat of Government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said Departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease.

SEC. 9. *And be it further enacted,* That the forms of keeping and rendering all public accounts whatsoever, shall be prescribed by the Department of the Treasury.

SEC. 10. *And be it further enacted,* That, in addition to the compensations allowed to the Comptroller, Auditor, Treasurer, and Register of the Treasury, by the "Act for establishing the salaries of the Executive officers of Government, their assistants and clerks," and to the Attorney General, by the "Act for allowing certain compensations to the Judges of the Supreme and other Courts, and to the Attorney General of the United States," the said officers respectively shall be allowed the following yearly sums, viz: the Comptroller four hundred dollars; the Auditor four hundred dollars; the Treasurer four hundred dollars; the Register five hundred dollars; the Attorney General four hundred dollars.

SEC. 11. *And be it further enacted,* That the Secretary of the Treasury be authorized to have two principal clerks, each of whom to have a salary of eight hundred dollars per annum; and that the salary of the chief clerk of the Department of War be at the rate of eight hundred dollars per year.

SEC. 12. *And be it further enacted,* That the restriction on the clerks of the Department of the Treasury, so far as respects the carrying on of any trade or business, other than in the funds or debts of the United States, or of any State, or any kind

of public property, be abolished, and that such restriction, so far as respects the funds or debts of the United States, or of any State, or any public property of either, be extended to the Commissioner of the Revenue, to the several Commissioners of Loans, and to all persons employed in their respective offices, and to all officers of the United States concerned in the collection or disbursement of the revenues thereof, under the penalties prescribed in the eighth section of the act, entitled "An act to establish the Treasury Department," and the provisions relative to the officers in the Treasury Department, contained in the "Act to establish the Post Office and Post Roads," shall be, and hereby are, extended and applied to the Commissioner of the Revenue.

Approved, May 8, 1792.

An Act making certain appropriations therein specified.

Be it enacted, &c., That there be granted and appropriated the following sums for the following purposes, to wit: For the discharge of a balance to the Commissioners appointed under the act of Congress of the fifteenth of March, one thousand seven hundred and eighty-five, two thousand seven hundred and eighty-seven dollars and eighty-eight cents; for additional salary to the first clerk of the Commissioners for settling accounts between the United States and individual States, one hundred and eighty-seven dollars and ninety-one cents; for defraying the expense of stating and printing certain public accounts, pursuant to the order of the House of Representatives of the thirtieth of December, one thousand seven hundred and ninety-one, eight hundred dollars; for discharging the accounts of officers of the Courts of the United States, jurors, and witnesses, in aid of the fund heretofore appropriated, seventeen thousand dollars; for making good deficiencies in former appropriations, for defraying the expense of the enumeration of the inhabitants of the United States, four thousand six hundred and ninety-five dollars and fifty-nine cents; for discharging certain accounts against the Treasury Department, to the end of the year one thousand seven hundred and ninety-one, including a sum of six hundred dollars for furnishing the supervisors of the revenue with screw presses, seals, and other articles, one thousand nine hundred and fifty-five dollars and sixty-one cents; for a balance due to Lieutenant John Freeman, of the late Maryland line, on account of subsistence for the years one thousand seven hundred and eighty-two, and one thousand seven hundred and eighty-three, forty-one dollars and seventy-five cents; for compensation to the clerks of the acting Commissioners of Army accounts, and contingencies of his office, one thousand three hundred and twenty-nine dollars and sixteen cents; for additional compensation to the Doorkeepers of the House of Representatives, pursuant to a resolution of the House of the twenty-fourth of March last, seven hundred dollars; for the discharge of such demands against the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at

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the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, five thousand dollars. All which said sums, amounting together to thirty-four thousand four hundred and ninety-seven dollars and ninety cents, shall and may be paid out of the funds following, any or all of them, namely: the surplusses which may remain of appropriations heretofore made, after satisfying the purposes of such appropriations; moneys which have been paid into the Treasury in consequence of balances which have been found due from individuals, relating to transactions prior to the present Government of the United States; the surplus, not heretofore appropriated, of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one.

Sec. 2. *And be it further enacted,* That so much of the aforesaid surplus of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one, as may be necessary, shall be and is hereby appropriated, in addition to the provision heretofore made, towards defraying the expenses which shall have been incurred in the execution of the act for raising and adding another regiment to the Military Establishment of the United States, and for making farther provision for the protection of the frontiers, within the limits of the sum of three hundred and twelve thousand six hundred and eighty-six dollars and twenty cents thereby authorized; and towards reimbursing any sums which may have been borrowed, or advances of money which may have been obtained for that purpose.

Sec. 3. *And be it further enacted,* That a sum of fifty thousand dollars, in addition to the provision heretofore made, be appropriated to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any moneys which may be in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who, if necessary, is authorized to borrow on the credit of the United States the said sum of fifty thousand dollars; an account of the expenditure whereof, as soon as may be, shall be laid before Congress.

Approved, May 8, 1792.

An Act to provide for a Copper coinage.

Be it enacted, &c. That the Director of the Mint, with the approbation of the President of the United States, be authorized to contract for and purchase a quantity of copper, not exceeding one hundred and fifty tons; and that the said Director, as soon as the needful preparations shall be made, cause the copper by him purchased to be coined at the Mint into cents and half cents, pursuant to the "Act establishing a Mint and regulating the Coins of the United States;" and that the said cents and half cents, as they shall be coined, be paid into the Treasury of the United States, thence to issue into circulation.

Sec. 2. *And be it further enacted,* That, after

the expiration of six calendar months from the time when these shall have been paid into the Treasury by the said Director, in cents and half cents, a sum not less than fifty thousand dollars, which time shall forthwith be announced by the Treasurer in at least two gazettes or newspapers, published at the Seat of the Government of the United States for the time being, no copper coins or pieces whatsoever, except the said cents and half cents, shall pass current as money, or shall be paid, or offered to be paid, or received in payment for any debt, demand, claim, matter, or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid or received in payment contrary to the prohibition aforesaid, shall be forfeited; and every person by whom any of them shall have been so paid, or offered to be paid, or received in payment, shall also forfeit the sum of ten dollars; and the said forfeiture and penalty shall and may be recovered, with costs of suit, for the benefit of any person or persons by whom information of the incurring thereof shall have been given.

Approved, May 8, 1792.

An Act for regulating processes in the Courts of the United States, and providing compensation for the officers of the said Courts, and for jurors and witnesses.

Be it enacted, &c. That all writs and processes issuing from the Supreme or a Circuit Court, shall bear teste of the Chief Justice of the Supreme Court (or if that office shall be vacant) of the Associate Justice next in precedence, and all writs and processes issuing from a District Court shall bear teste of the Judge of such Court (or if that office shall be vacant) of the clerk thereof, which said writs and processes shall be under the seal of the Court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expense of the United States.

Sec. 2. *And be it further enacted,* That the form of writs, executions, and other process, except their style and the forms and modes of proceeding in suits, in those of Common Law, shall be the same as are now used in the said Courts respectively, in pursuance of the act, entitled "An act to regulate processes in the Courts of the United States;" in those of Equity and in those of Admiralty and Maritime jurisdiction, according to the principles, rules, and usages, which belong to Courts of Equity and to Courts of Admiralty respectively, as contra-distinguished from Courts of Common Law; except so far as may have been provided for by the act to establish the Judicial Courts of the United States, subject, however, to such alterations and additions as the said Courts respectively shall, in their discretion, deem expedient, or to such regulations as the Supreme Court of the United States shall think proper from time to time by rule to prescribe to any Circuit or District Court concerning the same: *Provided,* That, on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *copias ad satisfaciendum* being one, the plaintiff shall

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have his election to take out a *capias ad satisfaciendum* in the first instance.

SEC. 3. *And be it further enacted*, That, from and after the passing of this act, the fees and compensations to the several officers and other persons hereinafter mentioned, shall be as follows; that is to say: To the Marshals of the several districts of the United States, for the service of any writ, warrant, attachment, or process, in Chancery, on each person named in the same, two dollars; for his travel out in serving each writ, warrant, attachment, or process, aforesaid, five cents per mile, to be computed from the place of service to the Court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the Court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*, That the fee for travel, where there is one person named in each writ, warrant, attachment, or process, shall in no case exceed seven dollars; and when there are more than one the fee for extra travel shall not exceed one dollar above seven dollars for each person. For each bail-bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three per cent.; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, where he does it, each, thirty cents; for summoning a grand or petit jury, each, three dollars: *Provided*, That in those States where jurors, by the laws of the State, are drawn by constables or other officers of corporate towns or places by lot, the Marshals shall receive for the use of such constable or officers the fees allowed for summoning juries; for attending the Supreme, Circuit, or District Courts, five dollars per day, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said Courts; for levying an execution, and for all other services, not herein enumerated, such fees or compensation as are allowed in the Supreme Court of the State where the services shall be rendered. To the clerk of the Supreme Court of the United States, ten dollars per day for his attendance in Court, and for his other services in discharging the duties of his office, double the fees of the clerk of the Supreme Court of that State in which the Supreme Court of the United States shall be holden. To the clerk of the District and Circuit Courts such fees in each State respectively as are allowed in the Supreme Courts of the same; and five dollars per day for his attendance on any Circuit or District Court, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said Courts. And in case any clerk of a Court of the United States shall, in discharging the duties of his office, perform any kind of service which is not performed by the clerks of the Courts of the State, and for which the laws of the State make no allowance, the Court in which such service shall be rendered may allow a reasonable compensation therefor. To each grand and petit juror, fifty cents per day for attending in Court, and for traveling at the rate of five cents per every mile from

their respective places of abode to the place where the Court is held, and the like allowance for returning. To witnesses summoned in any of the Courts of the United States the same compensations in each State respectively as are allowed in the Supreme Courts of the same. To the Attorney of the United States for the District, such fees in each State respectively as are allowed in the Supreme Courts of the same, and also the like compensation for traveling as is above allowed to the clerk of the District and Circuit Courts.

SEC. 4. *And be it further enacted*, That the Marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the Court may judge reasonable. And there shall be paid to the Marshal the amount of the expense for fuel, candles, and other reasonable contingencies, that may accrue in holding the Courts within his District, and providing the books necessary to record the proceedings thereof; and such amount, as also the compensations aforesaid, to the grand and petit jurors, to the witnesses summoned on the part of the United States, to the clerk of the Supreme Court for his attendance; to the clerks of the District and Circuit Courts for their traveling and attendance; to the Attorney of the District for traveling to Court; to the Marshal for his attendance at Court; for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in jail for any criminal offence, and for the commitment or discharge of such prisoner, and also the legal fees of the Clerk, Attorney, and Marshal, in criminal prosecutions, shall be included in the account of the Marshal; and the same having been examined and certified by the Court, or one of the Judges of it, in which the service shall have been rendered, shall be passed in the usual manner at, and the amount thereof paid out of, the Treasury of the United States, to the Marshal, and by him shall be paid over to the persons entitled to the same, and the Marshal shall be allowed two and a-half per cent. on the amount by him so paid over, to be charged in his future account.

SEC. 5. *And be it further enacted*, That, in every prosecution for any fine or forfeiture incurred under any statutes of the United States, if judgment is rendered against the defendant he shall be subject to the payment of costs; and on every conviction for any other offence, not capital, the Court may, in their discretion, award that the defendant shall pay the costs of prosecution. And if any informer or plaintiff, on a penal statute, to whose benefit the penalty, or any part thereof, if recovered is directed by law to accrue, shall discontinue his suit or prosecution, or shall be non-suit in the same, or if, upon trial, a verdict shall pass for the defendant, the Court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the United States, specially authorized to commence such prosecution, and the Court before whom the action or information shall be tried, shall, at the trial in open Court, certify, upon record, that there was reasonable cause for commencing the

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same, in which case no costs shall be adjudged to the defendant.

SEC. 6. *And be it further enacted,* That the fees and compensations to the several officers and persons herein before mentioned, other than those which are above directed to be paid out of the Treasury of the United States, shall be recovered in like manner as the fees of the officers of the States respectively for like services are recovered.

SEC. 7. *And be it further enacted,* That, if any officer herein before mentioned, or his deputy, shall, by reason or color of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall, on conviction thereof in any Court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the Court before whom the conviction shall be.

SEC. 8. *And be it further enacted,* That the act passed at the last session of Congress, entitled "An act to continue in force for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the Courts of the United States;'" and also another act passed at the last session of Congress, entitled "An act providing compensations for the officers of the Judicial Courts of the United States and for jurors and witnesses and for other purposes," be and the same are hereby repealed.

SEC. 9. *And be it further enacted,* That it shall be the duty of the clerk of the Supreme Court of the United States forthwith to transmit to the clerks of the several Circuit Courts the form of a writ of error, to be approved by any two of the Judges of the Supreme Court, and it shall be lawful for the clerks of the said Circuit Courts to issue writs of error agreeably to such forms, as nearly as the case may admit, under the seal of the said Circuit Courts, returnable to the Supreme Court, in the same manner as the clerk of the Supreme Court may issue such writs, in pursuance of the act, entitled "An act to establish the Judicial Courts of the United States."

SEC. 10. *And be it further enacted,* That it shall and may be lawful for the clerks of the District and Circuit Courts, in the absence, or in case of the disability, of the Judges, to take recognizances of special bail, *de bene esse*, in any action depending in either of the said Courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in Admiralty causes.

SEC. 11. *And be it further enacted,* That, in all suits and actions in any District Court of the United States, in which it shall appear that the Judge of such Court is, any ways, concerned in interest, or has been of counsel, for either party, it shall be the duty of such Judge, on application of either party, to cause the fact to be entered on the minutes of the Court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next Circuit Court of the District, which Circuit Court shall, thereupon, take cognizance thereof, in the

like manner, as if it had been originally commenced in that Court, and shall proceed to hear and determine the same accordingly.

SEC. 12. *And be it further enacted,* That all the records and proceedings of the Court of Appeals heretofore appointed, previous to the adoption of the present Constitution, shall be deposited in the office of the Clerk of the Supreme Court of the United States, who is hereby authorized and directed to give copies of all such records and proceedings, to any person requiring and paying for the same, in like manner as copies of the records and other proceedings of the said Court are by law directed to be given: which copies shall have like faith and credit as all other proceedings of the said Court.

Approved, May 8, 1792.

An act more effectually to provide for the National Defence, by establishing an uniform Militia throughout the United States.

Be it enacted, &c. That each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as hereinafter excepted) shall severally, and respectively, be enrolled in the Militia by the Captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such Captain or commanding officer of a company, to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen, so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred, and provided, when called out to exercise or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger, and espartoon; and that, from and after five years from the passing of this act, all muskets for arming the Militia as is herein required, shall be of bores sufficient for balls of the eighteenth part of a pound; and every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same exempted from all suits, dis-

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tresses, executions, or sales for debt, or for the payment of taxes.

SEC. 2. *And be it further enacted,* That the Vice President of the United States; the officers, Judicial and Executive, of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers, with their clerks; all post-officers, and stage-drivers, who are employed in the care and conveyance of the mail of the Post Office of the United States; all ferry-men employed at any ferry on the Post Roads; all inspectors of exports; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from Militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

SEC. 3. *And be it further enacted,* That, within one year after the passing of this act, the Militia of the respective States shall be arranged into divisions, brigades, regiments, battalions, and companies, as the Legislature of each State shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the Adjutant General's office in the State; and when in the field, or in service in the State, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said Militia shall be officered by the respective States, as follows: To each division, one Major General and two Aides-Camp, with the rank of Major; to each brigade, one Brigadier General with one Brigade Inspector, to serve also as Brigade Major, with the rank of a Major; to each regiment, one Lieutenant-Colonel Commandant; and to each battalion, one Major; to each company, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, one Drummer, and one Fifer or Bugler. That there shall be a regimental staff, to consist of one Adjutant, and one Quartermaster, to rank as Lieutenants; one Paymaster; one Surgeon, and one Surgeon's-Mate; one Sergeant-Major; one Drum-Major, and one Fife-Major.

SEC. 4. *And be it further enacted,* That out of the Militia enrolled, as is herein directed, there shall be formed for each battalion, at least one company of grenadiers, light infantry, or riflemen; and that to each division there shall be, at least, one company of artillery, and one troop of horse. There shall be to each company of artillery, one Captain, two Lieutenants, four Sergeants, four Corporals, six Gunners, six Bombardiers, one Drummer, and one Fifer. The officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until

proper ordnance and field artillery is provided. There shall be to each troop of horse, one Captain, two Lieutenants, one Cornet, four Sergeants, four Corporals, one Sadler, one Farrier, and one Trumpeter. The commissioned officers to furnish themselves with good horses of, at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion, and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and cartridge box to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the Commander-in-Chief of the State, not exceeding one company each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the Brigadier commanding the brigade to which they belong.

SEC. 5. *And be it further enacted,* That each battalion and regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife or bugle horn, by the commissioned officers of the company, in such manner as the Legislature of the respective States shall direct.

SEC. 6. *And be it further enacted,* That there shall be an Adjutant General appointed in each State, whose duty it shall be to distribute all orders from the Commander-in-Chief of the State to the several corps; to attend all public reviews, when the Commander-in-Chief of the State shall review the Militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State, returns of the Militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline. All which, the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said Adjutant General may be duly furnished therewith. From all which returns he shall make proper abstracts, and lay the same annually before the Commander-in-Chief of the State.

SEC. 7. *And be it further enacted,* That the rules of discipline approved and established by Congress, in their resolution of the twenty-ninth of March, 1779, shall be the rules of discipline to be observed by the Militia throughout the United States, except such deviations from the said rules, as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding

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officer at every muster, whether by battalion, regiment, or single company, to cause the Militia to be exercised and trained agreeably to the said rules of discipline.

Sec. 8. *And be it further enacted,* That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Sec. 9. *And be it further enacted,* That if any person, whether officer or soldier, belonging to the Militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Sec. 10. *And be it further enacted,* That it shall be the duty of the Brigade Inspector to attend the regimental and battalion meetings of the Militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeably to law, and such orders as they shall, from time to time, receive from the Commander-in-Chief of the State; to make returns to the Adjutant General of the State, at least once in every year, of the Militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which, in his judgment, may relate to their government and the general advancement of good order and military discipline; and the Adjutant General shall make a return of all the Militia of the State, to the Commander-in-Chief of the said State, and a duplicate of the same to the President of the United States.

And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said States, which, by the laws, customs, or usages thereof, have not been incorporated with or subject to the general regulations of the Militia—

Sec. 11. *Be it further enacted,* That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act, in like manner with the other Militia.

Approved, May 8, 1792.

An Act respecting the Government of the Territories of the United States Northwest and South of the River Ohio.

Be it enacted, &c., That the laws of the Territory Northwest of the river Ohio, that have been or hereafter may be enacted by the Governor and Judges thereof, shall be printed under the direction

of the Secretary of State, and two hundred copies thereof, together with ten sets of the laws of the United States, shall be delivered to the said Governor and Judges, to be distributed among the inhabitants, for their information; and that a like number of the laws of the United States shall be delivered to the Governor and Judges of the Territory Southwest of the river Ohio.

Sec. 2. *And be it further enacted,* That the Governor and Judges of the Territory Northwest of the river Ohio shall be, and hereby are, authorized to repeal their laws by them made, whensoever the same may be found to be improper.

Sec. 3. *And be it further enacted,* That the official duties of the Secretaries of the said Territories shall be under the control of such laws, as are or may be in force in the said Territories.

Sec. 4. *And be it further enacted,* That any one of the Supreme or Superior Judges of the said Territories, in the absence of the other Judges, shall be and hereby is authorized to hold a Court.

Sec. 5. *And be it further enacted,* That the Secretary of State provide proper seals for the several and respective public offices in the said Territories.

Sec. 6. *And be it further enacted,* That the limitation act, passed by the Governor and Judges of the said Territory, the twenty-eighth day of December, one thousand seven hundred and eighty-eight, be and hereby is disapproved.

Sec. 7. *And be it further enacted,* That the expenses incurred by John Cleves Symmes and George Turner, two of the Judges of the said Territory, in sending an express, and in purchasing a boat to go the Circuit, in the year one thousand seven hundred and ninety, shall be liquidated by the officers of the Treasury, and paid out of the Treasury of the United States.

Approved, May 8, 1792.

Resolved, &c., That the Secretary of the Treasury cause to be provided, for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods which have been found to answer for obtaining fresh, from salt water, and of constructing extempore stills, of such implements as are generally on board of every vessel, with a recommendation, in all cases, where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements, or new ideas, which may occur to them in practice.

Approved, May 8, 1792.

PUBLIC ACTS OF THE SECOND SESSION OF THE SECOND CONGRESS.

An Act concerning the Registering and Recording of Ships or Vessels.

Be it enacted, &c., That ships or vessels which shall have been registered by virtue of the act, entitled "An act for registering and clearing vessels, regulating the coasting-trade, and for other purposes," and those which, after the last day of March next, shall be registered pursuant to this act, and no other, (except such as shall be duly qualified according to law for carrying on the coasting-trade and fisheries, or one of them,) shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships or vessels: *Provided,* That they shall not continue to enjoy the same longer than they shall continue to be wholly owned and to be commanded by a citizen or citizens of the said States.

Sec. 2. And be it further enacted, That ships or vessels built within the United States, whether before or after the fourth of July, one thousand seven hundred and seventy-six, and belonging wholly to a citizen or citizens thereof, or not built within the said States, but on the sixteenth day of May, in the year one thousand seven hundred and eighty-nine, belonging, and thenceforth continuing to belong, to a citizen or citizens thereof, and ships or vessels which may hereafter be captured in war by such citizen or citizens, and lawfully condemned as prize, or which have been or may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by a citizen or citizens thereof, and no other, may be registered as hereinafter directed: *Provided,* That no such ship or vessel shall be entitled to be so registered, or, if registered, to the benefits thereof, if owned in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless such citizen be in the capacity of a Consul of the United States, or an agent for, and a partner in, some house of trade or co-partnership, consisting of citizens of the said States, actually carrying on trade within the said States: *And provided, further,* That no ship or vessel built within the United States prior to the said sixteenth day of May, which was not then owned wholly or in part by a citizen or citizens of the United States, shall be capable of being registered, by virtue of any transfer to a citizen or citizens which may hereafter be made, unless by way of prize or forfeiture: *Provided, nevertheless,* That this shall not be construed to prevent the registering anew of any ship or vessel which was before registered pursuant to the act before mentioned.

Sec. 3. And be it further enacted, That every ship or vessel hereafter to be registered, (except as is hereinafter provided,) shall be registered by the collector of the district in which shall be comprehended the port to which such ship or vessel

shall belong at the time of her registry, which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such ship or vessel usually resides; and the name of the said ship or vessel, and of the port to which she shall so belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length; and if any ship or vessel of the United States shall be found without having her name and the name of the port to which she belongs painted in manner aforesaid, the owner or owners shall forfeit fifty dollars, one-half to the person giving the information thereof, the other half to the use of the United States.

Sec. 4. And be it further enacted, That, in order to the registry of any ship or vessel, an oath or affirmation shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, who is hereby empowered to administer the same, declaring, according to the best of the knowledge and belief of the person so swearing or affirming, the name of such ship or vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built, and, if built within the United States before the said sixteenth day of May, one thousand seven hundred and eighty-nine, that she was then owned, wholly or in part, by a citizen or citizens of the United States; and, if not built within the said States, that she was, on the said sixteenth day of May, and ever since hath continued to be, the entire property of a citizen or citizens of the United States; or that she was, at some time posterior to the time when this act shall take effect, [specifying the said time,] captured in war by a citizen or citizens of the said States, and lawfully condemned as prize, [producing a copy of the sentence of condemnation, authenticated in the usual forms,] or that she has been adjudged to be forfeited for a breach of the laws of the United States, [producing a like copy of the sentence whereby she shall have been so adjudged,] and declaring his or her name and place of abode, and, if he or she be the sole owner of the said ship or vessel, that such is the case; or, if there be another owner or other owners, that there is or are such other owner or owners, specifying his, her, or their name or names, and place or places of abode, and that he, she, or they, as the case may be, so swearing or affirming, is or are citizens of the United States; and, where an owner resides in a foreign country, in the capacity of a Consul of the United States, or as an agent for, and a partner in, a house or co-partnership, consisting of citizens of the United States, and actually carrying on trade within the United States, that such is the case, and that there is no subject or citizen of any foreign Prince or

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State, directly or indirectly, by way of trust, confidence, or otherwise, interested in such ship or vessel, or in the profits or issues thereof, and that the master or commander thereof is a citizen, naming the said master or commander, and stating the means whereby, or manner in which he is so a citizen; and, in case any of the matters of fact in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture, and apparel, in respect to which the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided, always,* That if the master or person having the charge or command of such ship or vessel shall be within the district aforesaid when application shall be made for registering the same, he shall himself make oath or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master or person having the said charge or command shall so swear or affirm shall not be true, the forfeiture aforesaid shall not be incurred, but he shall himself forfeit and pay, by reason thereof, the sum of one thousand dollars: *And provided further,* That, in the case of a ship or vessel, built within the United States prior to the sixteenth day of May aforesaid, which was not then owned by a citizen or citizens of the United States, but which, by virtue of a transfer to such citizen or citizens, shall have been registered pursuant to the act before mentioned, the oath or affirmation hereby required shall and may be varied, according to the truth of the case, as often as it shall be requisite to grant a new register for such ship or vessel.

Sec. 5. *And be it further enacted,* That it shall be the duty of every owner, resident within the United States, of any ship or vessel to which a certificate of registry may be granted (in case there be more than one such owner) to transmit to the collector who may have granted the same a like oath or affirmation with that hereinbefore directed to be taken and subscribed by the owner, on whose application such certificate shall have been granted, and within ninety days after the same may have been so granted; which oath or affirmation may, at the option of the party, be taken and subscribed, either before the said collector, or before the collector of some other district, or a Judge of the Supreme or a District Court of the United States, or of a Superior Court of original jurisdiction of some one of the States; and if such oath or affirmation shall not be taken, subscribed, and transmitted, as is herein required, the certificate of registry granted to such ship or vessel shall be forfeit and void.

Sec. 6. *And be it further enacted,* That, before any ship or vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the said ship or vessel may be, and, if there be none, by such person as the collector of the dis-

trict within which she may be shall appoint, according to the rule prescribed by the forty-third section of the act entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and the officer or person by whom such admeasurement shall be made shall, for the information of, and as a voucher to, the officer by whom the registry is to be made, grant a certificate, specifying the build of such ship or vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a ship or vessel; and that her name and the place to which she belongs are painted on her stern, in manner required by the third section of this act; which certificate shall be countersigned by an owner, or by the master of such ship or vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the said certificate shall not be valid; but, in all cases where a ship or vessel has before been registered as a ship or vessel of the United States, it shall not be necessary to measure her anew for the purpose of obtaining another register, except such ship or vessel shall have undergone some alteration, as to her burden, subsequent to the time of her former registry.

Sec. 7. *And be it further enacted,* That, previous to the registry of any ship or vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district, whose duty it is to make such registry, shall become bound to the United States, if such ship or vessel shall be of burden not exceeding fifty tons, in the sum of four hundred dollars; if of burden above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burden above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burden above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burden exceeding three hundred tons, in the sum of two thousand dollars; with condition, in each case, that the certificate of such registry shall be solely used for the ship or vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever; and that in case such ship or vessel shall be lost, or taken by an enemy, burnt, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the said certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person having the charge or command of such ship or vessel, within any district of the United States, to the collector of such district: and that if any foreigner, or any person or persons, for the use and benefit of such foreigner, shall purchase, or otherwise become entitled to the whole, or any part or share of, or interest in, such ship or vessel, the same being within a dis-

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trict of the United States, the said certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; and that if any such purchase, change, or transfer of property, shall happen when such ship or vessel shall be at any foreign port or place, or at sea, then the said master, or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; and every such certificate, so delivered up, shall be forthwith transmitted to the Register of the Treasury, to be cancelled, who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of the said district.

SEC. 8. *And be it further enacted*, That, in order to the registry of any ship or vessel which, after the last day of March next, shall be built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master-carpenter, by whom or under whose direction the said ship or vessel shall have been built, testifying that she was built by him, or under his direction, and specifying the place where, the time when, and the person or persons for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a ship or vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district, in the same or an adjoining State, where the owner or owners actually reside, provided it be with ballast only.

SEC. 9. *And be it further enacted*, That the several matters herein before required having been complied with, in order to the registering of any ship or vessel, the collector of the district comprehending the port to which she shall belong, shall make and keep, in some proper book, a record or registry thereof, and shall grant an abstract or certificate of such record or registry, as nearly as may be, in the form following:

"In pursuance of an act of the Congress of the United States of America, entitled 'An act concerning the registering and recording of ships or vessels,' [inserting here the name, occupation, and place of abode of the person by whom the oath or affirmation aforesaid shall have been made,] having taken or subscribed the oath (or affirmation) required by the said act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of abode, of the other owner or owners) is (or are) the only owner (or owners) of the ship or vessel called the [inserting here her name] of [inserting here the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here the name and office, if any, of

the person by whom she shall have been surveyed or admeasured] having certified that the said ship or vessel has [inserting here the number of decks] and [inserting here the number of masts] and that her length is [inserting here the number of feet] her breadth [inserting here the number of feet] her depth [inserting here the number of feet] and that she measures [inserting here her number of tons] that she is [describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any, or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned as aforesaid] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly registered at the port of [naming the port where registered.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year in words at length:"] *Provided*, That if the master or person having the charge or command of such ship or vessel shall, himself, have made oath or affirmation touching his being a citizen, the wording of the said certificate shall be varied so as to be conformable to the truth of the case: *And provided*, That where a new certificate of registry is granted, in consequence of any transfer of a ship or vessel, the words shall be so varied as to refer to the former certificate of registry, for her admeasurement.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause to be prepared and transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the said certificates of registry, attested under the seal of the Treasury and the hand of the Register thereof, with proper blanks, to be filled by the said collectors, respectively, by whom also the said certificates shall be signed and sealed before they shall be issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him; and a copy of each shall be transmitted to the said Register, who shall cause a record to be kept of the same.

SEC. 11. *And be it further enacted*, That where any citizen or citizens of the United States shall purchase, or become owner or owners of any ship or vessel entitled to be registered by virtue of this act, such ship or vessel, being within any district other than the one in which he or they usually reside, such ship or vessel shall be entitled to be registered by the collector of the district where such ship or vessel may be at the time of his or their becoming owner or owners thereof, upon his or their complying with the provisions herein before prescribed, in order to the registry of ships or vessels: And the oath or affirmation which is required to be taken may, at the option of such own-

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or owners, be taken either before the collector of the district comprehending the port to which such ship or vessel may belong, or before the collector of the district within which such ship or vessel may be, either of whom is hereby empowered to administer the same: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act in order to the registry of ships or vessels being complied with, shall grant a new one in lieu of the first; and the certificate so delivered up shall forthwith be returned by the collector who shall receive the same, to the collector who shall have granted it: and if the said first mentioned certificate of registry shall not be delivered up as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which such ship or vessel may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered with costs of suit; and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture, and apparel, in respect to which the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided, always*, That if the master or person having the charge or command of such ship or vessel, shall be within the district aforesaid when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master or person having the said charge or command shall so swear or affirm shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

SEC. 12. *And be it further enacted*, That when any ship or vessel, entitled to be registered, pursuant to this act, shall be purchased by an agent or attorney for, or on account of a citizen or citizens of the United States, such ship or vessel, being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this act, such ship or vessel ought to be deemed to belong, it shall be lawful for the collector of the district, where such ship or vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the said ship or vessel, the said agent or attorney first complying, on behalf, and in the stead of, the owner or owners thereof, with the requisites pre-

scribed by this act in order to the registry of ships or vessels, except, that in the oath or affirmation, which shall be taken by the said agent or attorney, instead of swearing or affirming that he is owner, or an owner of such ship or vessel, he shall swear or affirm that he is agent or attorney for the owner or owners thereof, and that he hath *bona fide* purchased the said ship or vessel for the person or persons whom he shall name and describe as the owner or owners thereof: *Provided, nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector, who shall transmit the same to the collector who shall have granted it. And if the said first mentioned certificate of registry shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which she may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit, and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture, and apparel, in respect to which the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided, always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall himself make oath or affirmation, instead of the said agent or attorney, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

SEC. 13. *And be it further enacted*, That if the certificate of the registry of any ship or vessel shall be lost or destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath or affirmation, before the collector of the district where such ship or vessel shall first be after such loss, destruction, or mislaying, who is hereby authorized to administer the same, which oath or affirmation shall be of the form following: "I [inserting here the name of the person swearing or affirming] being master [or having the charge or command] of the ship or vessel, called the [inserting the name of the vessel] do swear (or affirm) that the said ship or

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vessel hath been, as I verily believe, registered, according to law, by the name of [inserting again the name of the vessel] and that a certificate thereof was granted by the collector of the district of [naming the district where registered] which certificate has been lost [or destroyed, or unintentionally and by mere accident mislaid, as the case may be] and [except where the certificate is alleged to have been destroyed] that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Which oath or affirmation shall be subscribed by the party making the same: and upon such oath or affirmation being made, and the other requisites of this act, in order to the registry of ships or vessels, being complied with, it shall be lawful for the collector of the district, before whom such oath or affirmation is made, to grant a new register, inserting therein, that the same is issued in the room of the one lost or destroyed. But in all cases where a register shall be granted, in lieu of the one lost or destroyed, by any other than the collector of the district to which the ship or vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of the said district, who shall, thereupon, grant a new register, in lieu thereof. And in case the master or commander shall neglect to deliver up such register, within the time aforesaid, he shall forfeit one hundred dollars; and the former register shall become null and void.

SEC. 14. *And be it further enacted*, That when any ship or vessel, which shall have been registered pursuant to this act, or the act hereby in part repealed, shall, in whole or in part, be sold or transferred to a citizen or citizens of the United States, or shall be altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in every such case the said ship or vessel shall be registered anew, by her former name, according to the directions herein before contained, (otherwise she shall cease to be deemed a ship or vessel of the United States,) and her former certificate of registry shall be delivered up to the collector to whom application for such new registry shall be made, at the time that the same shall be made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be cancelled. And in every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the said certificate, otherwise the said ship or vessel shall be incapable of being so registered anew. And in every case in which a ship or vessel is hereby required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a ship or vessel of the United States; and further, if her said former certificate of registry shall not be delivered up as aforesaid, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath or affirmation thereof shall have been made as aforesaid, the owner or owners of such ship or vessel shall for-

feit and pay the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 15. *And be it further enacted*, That when the master or person having the charge or command of a ship or vessel, registered pursuant to this act, or the act hereby in part repealed, shall be changed, the owner or one of the owners, or the new master of such ship or vessel, shall report such change to the collector of the district where the same shall happen, or where the said ship or vessel shall first be, after the same shall have happened, and shall produce to him the certificate of registry of such ship or vessel, and shall make oath or affirmation, showing that such new master is a citizen of the United States, and the manner in which, or means whereby, he is so a citizen; whereupon the said collector shall endorse upon the said certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the said memorandum with his name, and if other than the collector of the district, by whom the said certificate of registry shall have been granted, shall transmit a copy of the said memorandum to him, with notice of the particular ship or vessel to which it shall relate; and the collector of the district, by whom the said certificate shall have been granted, shall make a like memorandum of such change, in his book of registers, and shall transmit a copy thereof to the Register of the Treasury. And if the said change shall not be reported, or if the said oath or affirmation shall not be taken, as above directed, the registry of such ship or vessel shall be void, and the said master, or person having the charge or command of her, shall forfeit and pay the sum of one hundred dollars.

SEC. 16. *And be it further enacted*, That if any ship or vessel, heretofore registered, or which shall hereafter be registered as a ship or vessel of the United States, shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign Prince or State, and such sale or transfer shall not be made known in manner hereinbefore directed, such ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited: *Provided*, That if such ship or vessel shall be owned in part only, and it shall be made appear to the jury before whom the trial for such forfeiture shall be had, that any other owner of such ship or vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture; and the residue only shall be so forfeited.

SEC. 17. *And be it further enacted*, That upon the entry of every ship or vessel of the United States, from any foreign port or place, if the same shall be at the port or place at which the owner, or any of the part-owners reside, such owner or part-owner shall make oath or affirmation, that the register of such ship or vessel contains the name or names of all the persons who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred since the

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granting of such register, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by the way of trust, confidence, or otherwise, in such ship or vessel. And if the owner, or any part-owner, shall not reside at the port or place at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation to the like effect. And if the owner, or part-owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges of a ship or vessel of the United States.

SEC. 18. *And be it further enacted,* That in all cases where the master, commander, or owner of a ship or vessel, shall deliver up the register of such ship or vessel, agreeably to the provisions of this act, if to the collector of the district where the same shall have been granted, the said collector shall, thereupon, cancel the bond which shall have been given at the time of granting such register; or, if to the collector of any other district, such collector shall grant to the said master, commander, or owner, a receipt or acknowledgment, that such register has been delivered up to him, and the time when; and upon such receipt being produced to the collector by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

SEC. 19. *And be it further enacted,* That the collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury copies of all the certificates which shall have been granted by him, including the number of each.

SEC. 20. *And be it further enacted,* That every ship or vessel built in the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign Powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer the same, in manner following: "I, [inserting here the name of such builder,] of [inserting here the place of his residence] shipwright, do swear (or affirm) that [describing here the kind of vessel, as, whether ship, brig, snow, schooner, sloop, or whatever else,] named [inserting here the name of the ship or vessel] having [inserting here the number of decks] and being in length [inserting here the number of feet,] in breadth, [inserting here the number of feet,] in depth, [inserting here the number of feet,] and measuring [inserting here the number of tons,] having [specifying whether any or no] gallery, and [also specifying whether any or no] head, was built by me, or un-

der my direction, at [naming the place, county, and State] in the United States, in the year [inserting here the number of the year.]" Which oath or affirmation shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the said collector for that purpose.

SEC. 21. *And be it further enacted,* That the said collector shall cause the said ship or vessel to be surveyed or admeasured, according to the rule prescribed by the forty-third section of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and the person by whom such admeasurement shall be made, shall grant a certificate thereof, as in the case of a ship or vessel to be registered; which certificate shall be countersigned by the said builder, and by an owner, or the master, or person having the command or charge thereof, or by some other person, being an agent for the owner or owners thereof, in testimony of the truth of the particulars therein contained.

SEC. 22. *And be it further enacted,* That a certificate of the said record, attested under the hand and seal of the said collector, shall be granted to the master of every such ship or vessel, as nearly as may be, of the form following: "In pursuance of an act, entitled 'An act concerning the recording of ships or vessels,' I, [inserting here the name of the collector of the district,] of [inserting here the name of the district,] in the United States, do certify, that [inserting here the name of the builder] of [inserting here the place of his residence, county, and State,] having sworn (or affirmed) that the [describing the ship or vessel, as in the certificate of record,] named [inserting here her name] whereof [inserting here the name of the master] is at present master, was built at [inserting here the name of the place, county, and State, where built] by him, or under his direction, in the year, [inserting here the number of the year,] and [inserting here the name of the surveyor or other person by whom the same admeasurement shall have been made,] having certified that the said ship or vessel has [inserting here her number of decks] is in length, [inserting here the number of feet,] in breadth, [inserting here the number of feet,] in depth, [inserting here the number of feet,] and measures [inserting here the number of tons;] and the said builder and [naming and describing the owner or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned] having agreed to the said description and admeasurement, the said ship or vessel has been recorded, in the district of [inserting here the name of the district where recorded,] in the United States. Witness my hand and seal this [inserting here the day of the month,] day of [inserting here the name of the month,] in the year [inserting here the number of the year.]" Which certificate shall be recorded in the office of the said collector, and a duplicate thereof transmitted to the Register of the Treasury of the United States, to be recorded in his office.

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Sec. 23. *And be it further enacted,* That if the master, or the name, of any ship or vessel so recorded shall be changed, the owner, part-owner, or consignee of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district, where such ship or vessel may be, or at which she shall first arrive, if such change took place in a foreign country; and a copy thereof shall be entered in the Book of Records, a transcript whereof shall be transmitted, by the said collector, to the collector of the district, where such certificate was granted, (if not the same person,) who shall enter the same in his Book of Records, and forward a duplicate of such entry, to the Register of the Treasury of the United States; and in such case, until the said owner, part-owner, or consignee, shall cause the said memorandum to be made by the collector, in manner aforesaid, such ship or vessel shall not be deemed, or considered, as a vessel recorded, in pursuance of this act.

Sec. 24. *And be it further enacted,* That the master, or other person having the command or charge of any ship or vessel, recorded in pursuance of this act, shall, on entry of such ship or vessel, produce the certificate of such record, to the collector of the district, where she shall be so entered; in failure of which, the said ship or vessel shall not be entitled to the privileges of a vessel, recorded as aforesaid: *Provided always, and be it further enacted,* That nothing herein contained shall be construed to make it necessary to record, a second time, any ship or vessel, which shall have been recorded, pursuant to the act, hereby in part repealed; but such recording shall be of the like force and effect, as if made in pursuance to this act.

Sec. 25. *And be it further enacted,* That the fees and allowances for the several services to be performed pursuant to this act, and the distribution of the same, shall be as follows, to wit: For the admeasurement of every ship or vessel, of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel above one hundred, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for every certificate of registry or record, two hundred cents; for every endorsement upon a certificate of registry or record, one hundred cents; and for taking every bond required by this act, twenty-five cents. The whole amount of which fees shall be received, and accounted for by the collector, or, at his option, by the naval officer, where there is one; and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two-thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed: *Provided, always,* That, in all cases, where the tonnage of any ship or vessel shall

be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid. And every collector and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous part of his office, a fair table of the rates of fees, demandable by this act.

Sec. 26. *And be it further enacted,* That every collector, or officer, who shall knowingly make, or be concerned in making, any false register or record, or shall knowingly grant, or be concerned in granting, any false certificate of registry or record of, or for any ship or vessel, or other false document whatsoever, touching the same, contrary to the true intent and meaning of this act, or who shall designedly take any other, or greater fees, than are by this act allowed, or who shall receive any voluntary reward or gratuity for any of the services performed pursuant thereto; and every surveyor, or other person, appointed to measure any ship or vessel, who shall wilfully deliver to any collector or naval officer, a false description of such ship or vessel, to be registered or recorded, shall, upon conviction of any such neglect or offence, forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit, under the United States; and if any person or persons, authorized and required by this act, in respect to his or their office or offices, to perform any act or thing, required to be done or performed, pursuant to any of the provisions of this act, shall wilfully neglect to do or perform the same, according to the true intent and meaning of this act, such person or persons shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall, thenceforth, be rendered incapable of holding any office of trust or profit under the United States.

Sec. 27. *And be it further enacted,* That, if any certificate of registry or record, shall be fraudulently or knowingly used for any ship or vessel, not then actually entitled to the benefit thereof, according to the true intent of this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel, and furniture.

Sec. 28. *And be it further enacted,* That, if any person or persons shall falsely make oath or affirmation to any of the matters herein required to be verified, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury; and that, if any person or persons shall forge, counterfeit, erase, alter, or falsify any certificate, register, record, or other document, mentioned, described, or authorized, in and by this act, such person or persons shall, for every such offence, forfeit the sum of five hundred dollars.

Sec. 29. *And be it further enacted,* That all the penalties and forfeitures, which may be incurred, for offences against this act, shall and may be sued for, prosecuted, and recovered, in such Courts, and be disposed of in such manner, as any penal-

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ties and forfeitures which may be incurred for offences against the act, entitled "An act to provide more effectually for the collection of the duties imposed by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," may legally be sued for, prosecuted, recovered, and disposed of: *Provided, always*, That, if any officer entitled to a part or share of any such penalty or forfeiture, shall be necessary, as a witness, on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial, but in such case, he shall not receive, nor be entitled to any part or share of the said penalty or forfeiture; and the part or share, to which he would otherwise have been entitled, shall accrue to the United States.

Sec. 30. *And be it further enacted*, That, from and after the last day of March next, this act shall be in full force and effect; and so much of the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," as comes within the purview of this act, shall, after the said last day of March, be repealed.

Approved, December 31, 1792.

An act to amend an act, entitled "An act establishing a Mint, and regulating the Coins of the United States," so far as respects the Coinage of Copper.

Be it enacted, &c., That every cent shall contain two hundred and eight grains of copper, and every half-cent shall contain one hundred and four grains of copper; and that so much of the act, entitled "An act establishing a Mint, and regulating the Coins of the United States," as respects the weight of cents and half-cents, shall be, and the same is hereby repealed.

Approved, January 14, 1793.

An Act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress, of the twenty-eighth of September, one thousand seven hundred and eighty-five, as an indemnity to the persons therein named.

Be it enacted, &c., That lawful interest, from the sixteenth day of May, in the year one thousand seven hundred and seventy-six, shall be allowed on the sum of two hundred dollars, ordered to be paid to Return Jonathan Meigs, and the legal representative of Christopher Greene, deceased, by a resolve of the United States in Congress assembled, of the twenty-eighth day of September, in the year one thousand seven hundred and eighty-five.

Approved, January 14, 1793.

An Act to continue in force, for a limited time, and to amend the act, entitled "An act providing the Means of Intercourse between the United States and Foreign Nations."

Be it enacted, &c., That the act, entitled "An act providing the means of intercourse between the United States and foreign nations," which would expire at the end of the present session of Congress, be, and the same hereby is, together

with this act, continued in force for the space of one year, from the passing of this act; and from thence, until the end of the session of Congress then, or next thereafter holden, and no longer.

Sec. 2. *And be it further enacted*, That, in all cases, where any sum or sums of money have issued, or shall hereafter issue, from the Treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be, and he hereby is, authorized to cause the same to be duly settled annually with the accounting officers of the Treasury, in manner following, that is to say: by causing the same to be accounted for, specifically, in all instances, wherein the expenditure thereof may, in his judgment, be made public; and by making a certificate or certificates, or causing the Secretary of State to make a certificate or certificates of the amount of such expenditures, as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

Approved, February 9, 1793.

An Act regulating Foreign Coins, and for other purposes.

Be it enacted, &c., That, from and after the first day of July next, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz: The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty-seven grains and two-fifths of a grain of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen penny weights and seven grains; and in proportion for the parts of a dollar. Crowns of France, at the rate of one hundred and ten cents, for each crown, the actual weight whereof shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. But no foreign coin that may have been, or shall be issued subsequent to the first day of January, one thousand seven hundred and ninety-two, shall be a tender, as aforesaid, until samples thereof shall have been found, by assay, at the Mint of the United States, to be conformable to the respective standards required, and proclamation thereof shall have been made by the President of the United States.

SEC. 2. *Provided always, and be it further enacted*, That at the expiration of three years next ensuing the time when the coinage of gold and silver, agreeably to the act, entitled, "An act establishing a Mint, and regulating the coins of the United States," shall commence at the Mint of the United States, (which time shall be announced by the proclamation of the President of the

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United States) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid.

Sec. 3. *And be it further enacted,* That all foreign gold and silver coins, (except Spanish milled dollars, and parts of such dollars) which shall be received in payment for moneys due to the United States, after the said time, when the coining of gold and silver coins shall begin at the Mint of the United States, shall, previously to their being issued in circulation, be coined anew, in conformity to the act, entitled "An act establishing a Mint and regulating the coins of the United States."

Sec. 4. *And be it further enacted,* That, from and after the first day of July next, the fifty-fifth section of the act, entitled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States," which ascertains the rates at which foreign gold and silver coins shall be received for the duties and fees to be collected in virtue of the said act, be, and the same is hereby repealed.

Sec. 5. *And be it further enacted,* That the assay provided to be made by the act, entitled "An act establishing a Mint, and regulating the coins of the United States," shall commence in the manner as by the said act is prescribed, on the second Monday of February annually, anything in the said act to the contrary notwithstanding.

Approved, February 9, 1793.

An Act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted.

Be it enacted, &c., That all claims upon the United States for services or supplies, or for other cause, matter, or thing, furnished or done previous to the fourth day of March, one thousand seven hundred and eighty-nine, whether founded upon certificates or other written documents from public officers, or otherwise, which have not already been barred by any act of limitation, and which shall not be presented at the Treasury before the first day of May, one thousand seven hundred and ninety-four, shall forever after be barred and precluded from settlement or allowance: *Provided,* That nothing herein contained shall be construed to affect Loan Office certificates, certificates of final settlement, indents of interest, balances entered in the books of the Register of the Treasury, certificates issued by the Register of the Treasury, commonly called registered certificates, Loans of money obtained in foreign countries, or certificates issued pursuant to the act entitled "An act making provision for the Debt of the United States: *And provided, further,* That nothing herein contained shall be construed to prohibit the proper officers of the Treasury from demanding an account or accounts to be rendered for any moneys heretofore advanced, and not accounted for, or from admitting, under the usual forms and restrictions, credits for expenditures, equal to the sums which have been so advanced.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Auditor of the Treasury to receive all such claims aforesaid, as have not been heretofore barred by any act of limitation, as shall be presented before the time aforesaid, with the certificates or other documents in support thereof, and to cause a record to be made of the names of the persons, and of the time when the said claims are presented; which record shall be made in the presence of the person or persons presenting the same, and shall be the only evidence that the said claims were presented, during the time limited by this act.

Sec. 3. *And be it further enacted,* That it shall be the duty of the accounting officers of the Treasury, to make report to Congress upon all such of the said claims as shall not be allowed to be valid, according to the usual forms of the Treasury.

Approved, February 12, 1793.

An Act respecting fugitives from justice, and persons escaping from the service of their masters.

Be it enacted, &c., That, whenever the Executive authority of any State in the Union, or of either of the Territories Northwest or South of the river Ohio, shall demand any person as a fugitive from justice, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or Chief Magistrate of the State or Territory from whence the person so charged fled, it shall be the duty of the executive authority of the State or Territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority, appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear; but, if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged: and all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

Sec. 2. *And be it further enacted,* That any agent appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the State or Territory from which he or she shall have fled. And if any person or persons shall, by force, set at liberty, or rescue the fugitive from such agent while transporting, as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year.

Sec. 3. *And be it also enacted,* That when a person held to labor in any of the United States, or in either of the Territories on the Northwest or South of the river Ohio, under the laws thereof,

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shall escape into any other of the said States or Territory, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any Judge of the Circuit or District Courts of the United States, residing or being within the State, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such Judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such State or Territory, that the person so seized or arrested, doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such Judge or magistrate to give a certificate thereof to such claimant, his agent, or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled.

Sec. 4. And be further enacted, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested pursuant to the authority herein given or declared; or shall harbor or conceal such person after notice that he or she was a fugitive from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any Court proper to try the same, saving moreover to the person claiming such labor or service his right of action for or on account of the said injuries, or either of them.

Approved, February 12, 1793.

An Act for enrolling and licensing ships or vessels to be employed in the Coasting Trade and Fisheries, and for regulating the same.

Be it enacted, &c., That ships or vessels, enrolled by virtue of "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those of twenty tons and upwards, which shall be enrolled after the last day of May next, in pursuance of this act, and having a license in force, or if less than twenty tons, not being enrolled, shall have a license in force, as is hereinafter required, and no others, shall be deemed ships or vessels of the United States, entitled to the privileges of ships or vessels employed in the coasting trade or fisheries.

Sec. 2. And be it further enacted, That, from and after the last day of May next, in order for the enrolment of any ship or vessel, she shall possess the same qualifications, and the same requisites, in all respects, shall be complied with, as are made necessary for registering ships or vessels, by the act, entitled "An act concerning the registering and recording of ships or vessels," and the same duties and authorities are hereby given and imposed on all officers, respectively, in relation to such enrolments, and the same proceedings shall

be had, in similar cases, touching such enrolments; and the ships or vessels so enrolled, with the master, or owner, or owners thereof, shall be subject to the same requisites, as are in those respects provided for vessels registered by virtue of the aforesaid act; the record of which enrolment shall be made, and an abstract or copy thereof granted, as nearly as may be, in the form following: "Enrolment in conformity to an act of the Congress of the United States of America," entitled "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same," [inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made] having taken and subscribed the oath, (or affirmation) required by this act, and having sworn (or affirmed) that he, or (she, and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of abode, of the owner owners) is, (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the name of the port, to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here, the name and office, if any, of the person, by whom she shall have been surveyed or admeasured] having certified, that the said ship or vessel has [inserting here, the number of decks] and [inserting here, the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here, the number of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying, whether she has any or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly enrolled, at the port of [naming the port where enrolled.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length.]"

Sec. 3. And be it further enacted, That it shall and may be lawful for the collectors of the several districts, to enrol and license any ship or vessel, that may be registered, upon such registry being given up, or to register any ship or vessel, that may be enrolled, upon such enrolment and license being given up. And when any ship or vessel shall be an any other district, than the one, to which she belongs, the collector of such district, on the application of the master or commander thereof, and upon his taking an oath or affirmation, that accord-

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ing to his best knowledge and belief, the property remains, as expressed in the register or enrolment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchanges aforesaid; but in every such case, the collector, to whom the register, or enrolment and license, may be given up, shall transmit the same to the Register of the Treasury; and the register, or enrolment and license, granted in lieu thereof, shall, within ten days after the arrival of such ship or vessel within the district, to which she belongs, be delivered to the collector of the said district, and be by him cancelled. And if the said master or commander shall neglect to deliver the said register or enrolment and license, within the time aforesaid, he shall forfeit one hundred dollars.

SEC. 4. *And be it further enacted*, That, in order to the licensing of any ship or vessel, for carrying on the Coasting Trade or Fisheries, the husband, or managing owner, together with the master thereof, with one more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such ship or vessel be of the burden of five tons, and less than twenty tons, the sum of one hundred dollars; and if twenty tons, and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons, and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such ship or vessel has been employed in any trade, whereby the revenue of the United States has been defrauded during the time the license granted to such ship or vessel remained in force; and the master of such ship or vessel shall also swear, or affirm, that he is a citizen of the United States, and that such license shall not be used for any other vessel, or any other employment, than that for which it is specially granted, or in any trade or business, whereby the revenue of the United States may be defrauded; and if such ship or vessel be less than twenty tons burden, the husband or managing owner, shall swear or affirm, that she is wholly the property of a citizen or citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port, whereto such ship or vessel may belong, (the duty of six cents per ton being first paid,) to grant a license, in the form following: "License for carrying on the [here insert, coasting trade, whale fishery, or cod fishery, as the case may be.]

"In pursuance of an act of the Congress of the United States of America, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,' [inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode,] having given bond, that the [insert here, the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be,] called the [insert here, the vessel's name] whereof the said [naming the master] is master, burden [insert

here, the number of tons, in words] tons, as appears by her enrolment, dated at [naming the district, day, month, and year, in words at length, but if she be less than twenty tons, insert instead thereof] [proof being had of her admeasurement] shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said [inserting here, the description of the vessel] called the [inserting here, the vessel's name] to be employed in carrying on the [inserting here, coasting trade, whale fishery, or cod fishery, as the case may be] for one year from the date hereof, and no longer. Given under my hand and seal, at [naming the said district] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length.]"

SEC. 5. *And be it further enacted*, That no license, granted to any ship or vessel, shall be considered in force, any longer than such ship or vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment, than that for which she is specially licensed, and if any ship or vessel be found with a forged or altered license, or making use of a license granted for any other ship or vessel, such ship or vessel, with her tackle, apparel, and the cargo found on board her, shall be forfeited.

SEC. 6. *And be it further enacted*, That, after the last day of May next, every ship or vessel of twenty tons or upwards (other than such as are registered) found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, or if less than twenty tons, and not less than five tons, without a license, in manner as is provided by this act, such ship or vessel, if laden with goods, the growth or manufacture of the United States only (distilled spirits excepted) or in ballast, shall pay the same fees and tonnage in every port of the United States, at which she may arrive, as ships or vessels not belonging to a citizen or citizens of the United States, and if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, the ship or vessel, together with her tackle, apparel and furniture, and the lading found on board, shall be forfeited: *Provided, however*, if such ship or vessel be at sea, at the expiration of the time, for which the license was given, and the master of such ship or vessel shall swear or affirm that such was the case, and shall also within forty-eight hours after his arrival deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture aforesaid shall not be incurred, nor shall the ship or vessel be liable to pay the fees and tonnage aforesaid.

SEC. 7. *And be it further enacted*, That the collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a re-

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cord thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Register of the Treasury, copies of the licenses, which shall have been so granted by him; and also of such licenses, as shall have been given up or returned to him, respectively, in pursuance of this act. And where any ship or vessel shall be licensed, or enrolled anew, or being licensed or enrolled, shall afterwards be registered, or being registered, shall afterwards be enrolled, or licensed, she shall, in every such case, be enrolled, licensed or registered by her former name.

SEC. 8. *And be it further enacted*, That, if any ship or vessel, enrolled or licensed, as aforesaid, shall proceed on a foreign voyage, without first giving up her enrolment and license, to the collector of the district comprehending the port, from which she is about to proceed on such foreign voyage, and being duly registered by such collector, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods, wares, and merchandise, so imported therein, shall be liable to seizure and forfeiture: *Provided, always*, If the port, from which such ship or vessel is about to proceed on such foreign voyage, be not within the district, where such ship or vessel is enrolled, the collector of such district shall give to the master of such ship or vessel a certificate, specifying that the enrolment and license of such ship or vessel is received by him, and the time when it was so received; which certificate shall afterwards be delivered by the said master to the collector, who may have granted such enrolment and license.

SEC. 9. *And be it further enacted*, That the license, granted to any ship or vessel, shall be given up to the collector of the district, who may have granted the same, within three days after the expiration of the time, for which it was granted, in case such ship or vessel be then within the district, or if she be absent, at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district taking his certificate therefor; and if the master thereof shall neglect, or refuse to deliver up the license, as aforesaid, he shall forfeit fifty dollars; but if such license shall have been previously given up to the collector of any other district, as authorized by this act, and a certificate thereof under the hand of such collector, be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of such ship or vessel shall make and subscribe an oath or affirmation, that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the aforesaid penalty shall not be incurred. And if such license shall be lost, destroyed, or unintentionally mislaid, as aforesaid, before the expiration of the time, for which it was granted, upon the like oath or affirmation being made and subscribed by the master of such ship or vessel, the said collector is hereby authorized and required, upon application being made therefor, to license such ship or vessel anew.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the owner or owners of any licensed ship or vessel, to return such license to the collector who granted the same, at any time within the year, for which it was granted, who shall thereupon, cancel the same, and shall license such vessel anew, upon the application of the owner or owners, and upon the conditions herein before required, being complied with; and in case the term, for which the former license was granted, shall not be expired, an abatement of the tonnage of six cents per ton shall be made, in the proportion of the time so unexpired.

SEC. 11. *And be it further enacted*, That every licensed ship or vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner as is provided for registered ships or vessels, and if any licensed ship or vessel be found, without such painting, the owner or owners thereof shall pay twenty dollars.

SEC. 12. *And be it further enacted*, That, when the master of any licensed ship or vessel, ferry boats excepted, shall be changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same may happen, if there be one, otherwise, to the collector residing at any port, where such ship or vessel may next arrive, who, upon the oath or affirmation of such new master, or in case of his absence, of the owner or one of the owners, that he is a citizen of the United States, and that such ship or vessel shall not, while such license continues in force, be employed in any manner, whereby the revenue of the United States may be defrauded, shall endorse such change on the license, with the name of the new master; and when any change shall happen, as aforesaid, and such change shall not be reported, and the endorsement made of such change, as is herein required, such ship or vessel, found carrying on the coasting trade or fisheries, shall be subject to pay the same fee and tonnage, as a vessel of the United States, having a register, and the said new master shall forfeit and pay the sum of ten dollars.

SEC. 13. *And be it further enacted*, That it shall be lawful, at all times, for any officer concerned in the collection of the revenue, to inspect the enrolment or license of any ship or vessel; and if the master of any such ship or vessel shall not exhibit the same, when thereunto required by such officer, he shall pay one hundred dollars.

SEC. 14. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, destined from a district in one State, to a district in the same, or an adjoining State on the sea coast, or on a navigable river, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise in packages, as imported, exceeding in value

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four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such ship or vessel, from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such ship or vessel, specifying in such manifests, the marks and numbers of every cask, bag, box, chest or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each, and if there be a collector or surveyor, residing at such port, or within five miles thereof, he shall deliver such manifests to the collector, if there be one, otherwise to the surveyor, before whom he shall swear or affirm, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States, that the duties thereupon have been paid or secured, whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said master, with a permit, specifying thereon, generally, the lading on board such ship or vessel, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined, as aforesaid, shall depart from the port where she may then be, without the master or commander having first made out and subscribed duplicate manifests of the lading on board such ship or vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the said collector or surveyor, and obtaining a permit, in manner as is herein required, such master or commander shall pay one hundred dollars.

Sec. 15. *And be it further enacted,* That the master or commander of every ship or vessel licensed for carrying on the coasting trade, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea coast, or on a navigable river, shall, previous to the unloading of any part of the cargo of such ship or vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer, residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed, (if there be

such manifest,) otherwise the duplicate manifests thereof, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm. And if there have been taken on board such ship or vessel, any other or more goods, than are contained in such manifest or manifests, since her departure from the port, from whence she first sailed, or if any goods have been since landed, the said master or commander shall make known and particularize the same to the said collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear or affirm: Whereupon, the said collector or surveyor shall grant a permit for unloading a part, or the whole of such cargo, as the said master or commander may request. And if there be no collector or surveyor, residing at, or within five miles of the said port of her arrival, the master or commander of such ship or vessel, may proceed to discharge the lading from on board such ship or vessel, but shall deliver to the collector or surveyor, residing at the first port, where he may next afterwards arrive, and within twenty-four hours of his arrival, the manifest or manifests aforesaid, noting thereon the times when, and places where, the goods, therein mentioned, have been unladen, to the truth of which, before the said last mentioned collector or surveyor, he shall swear or affirm; and if the master or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest or manifests, at the times, and in the manner, herein directed, he shall pay one hundred dollars.

Sec. 16. *And be it further enacted,* That the master or commander of every ship or vessel licensed for carrying on the coasting trade, and being destined from any district of the United States to a district other than a district in the same, or an adjoining State, on the seacoast, or on a navigable river, shall, previous to her departure, deliver to the collector residing at the port where such ship or vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel; or, if there be no cargo on board, he shall so certify; and, if there be any distilled spirits, or goods, wares, and merchandise, of foreign growth or manufacture on board, other than what may, by the collector, be deemed sufficient for sea stores, he shall specify, in such manifests, the marks and numbers of every cask, bag, box, chest, or package, containing the same, with the name and place of residence of every shipper and consignee of such distilled spirits or goods of foreign growth or manufacture, and the quantity shipped by, and to each, to be by him subscribed, and to the truth of which he shall swear or affirm, and shall also swear or affirm, before the said collector or surveyor, that such goods, wares or merchandise, of foreign growth or manufacture, were, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or, if spirits distilled within the United

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States, that the duties thereupon have been duly paid or secured; upon the performance of which, and not before, the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination: and if any such ship or vessel shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, on board, without the several things herein required being complied with, the master thereof shall forfeit one hundred dollars; or, if the lading be of goods the growth or manufacture of the United States only, or if such ship or vessel have no cargo, and she depart without the several things herein required being complied with, the said master shall forfeit and pay fifty dollars.

Sec. 17. *And be it further enacted,* That the master or commander of every ship or vessel licensed to carry on the coasting trade, arriving at any district of the United States, from any district other than a district in the same or an adjoining State on the seacoast, or on a navigable river, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival; and, previous to the unloading any of the goods brought in such ship or vessel, the manifest of the cargo, (if there be any,) certified by the collector or surveyor of the district from whence she last sailed, and shall make oath or affirmation before the said collector or surveyor that there was not, when he sailed from the district where his manifest was certified, or has been since, or then is, any more or other goods, wares, or merchandise, of foreign growth or manufacture, or distilled spirits, (if there be any other than sea-stores on board such vessel,) than is therein mentioned; and, if there be no such goods, he shall so swear or affirm; and, if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed, as aforesaid, that such is the case; whereupon such collector or surveyor shall grant a permit for unloading the whole or part of such cargo (if there be any) within his district, as the master may request; and, where a part only of the goods, wares, and merchandise, of foreign growth or manufacture, or of distilled spirits, brought in such ship or vessel, is intended to be landed, the said collector or surveyor shall make an endorsement of such part, on the back of the manifest, specifying the articles to be landed, and shall return such manifest to the master, endorsing also thereon his permission for such ship or vessel to proceed to the place of her destination; and, if the master of such ship or vessel shall neglect or refuse to deliver the manifest, (or, if she has no cargo, the certificate,) within the time herein directed, he shall forfeit one hundred dol-

lars, and the goods, wares, and merchandise, of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified, as is herein required, shall be forfeited; and, if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

Sec. 18. *And be it further enacted,* That nothing in this act contained shall be so construed as to oblige the master or commander of any ship or vessel licensed for carrying on the coasting trade, bound from a district in one State to a district in the same, or an adjoining State on the seacoast, or on a navigable river, having on board goods, wares, or merchandise, of the growth, product, or manufactures of the United States only, (except distilled spirits,) or distilled spirits, not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar, in casks or boxes, not more than three thousand pounds, tea, in chests or boxes, not more than five hundred pounds, coffee, in casks or bags, not more than one thousand pounds, or foreign merchandise, in packages, as imported, of not more value than four hundred dollars, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such ship or vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package, containing the same, with the name of the shipper and consignee of each, which manifest shall be by him exhibited for the inspection of any officer of the revenue, when by such officer thereunto required, and shall also inform such officer from whence such ship or vessel last sailed, and how long she has been in port, when by him so interrogated; and if the master of such ship or vessel shall not be provided, on his arrival within any such district, with a manifest, and exhibit the same, as is herein required, if the lading of such ship or vessel consist wholly of goods the produce or manufacture of the United States, (distilled spirits excepted,) he shall forfeit twenty dollars; or, if there be distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, on board, excepting what may be sufficient for sea stores, he shall forfeit forty dollars; or, if he shall refuse to answer the interrogatories truly, as is herein required, he shall forfeit the sum of one hundred dollars; and if any of the goods laden on board such ship or vessel shall be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be

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found on board such ship or vessel, and which shall not be included in the manifest exhibited by such master, shall be forfeited.

SEC. 19. *And be it further enacted*, That it shall and may be lawful for the collector of the district of Pennsylvania to grant permits for the transportation of goods, wares, or merchandise, of foreign growth or manufacture, across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and for the collector of the district of New York to grant like permits for the transportation across the State of New Jersey; and for the collector of any district of Maryland or Virginia to grant like permits for the transportation across the State of Delaware to the district of Pennsylvania: *Provided*, That every such permit shall express the name of the owner or person sending such goods, and of the person or persons to whom such goods shall be consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner or person sending such goods shall swear or affirm that they were legally imported, and the duties thereupon paid or secured: *And provided, also*, That the owner or consignee of all such goods, wares, and merchandise, shall, within twenty-four hours after the arrival thereof at the place to which they were permitted to be transported, report the same to the collector of the district where they shall so arrive, and shall deliver up the permit accompanying the same; and, if the owner or consignee aforesaid shall neglect or refuse to make due entry of such goods within the time and in the manner herein directed, all such goods, wares, and merchandise, shall be subject to forfeiture; and, if the permit granted shall not be given up within the time limited for making the said report, the person or persons to whom it was granted, neglecting or refusing to deliver it up, shall forfeit fifty dollars for every twenty-four hours it shall be withheld afterwards: *Provided*, That where the goods, wares, and merchandise, to be transported in manner aforesaid, shall be of less value than eight hundred dollars, the said oath and permit shall not be deemed necessary, nor shall the owner or consignee be obliged to make report to the collector of the district where the said goods, wares, and merchandise, shall arrive.

SEC. 20. *And be it further enacted*, That, when any ship or vessel of the United States, registered according to law, shall be employed in going from any one district in the United States to any other district, such ship or vessel, and the master or commander thereof, with the goods she may have on board, previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject (except as to the payment of fees) to the same regulations, provisions, penalties, and forfeitures; and the like duties are imposed on like officers as is provided by the sixteenth and seventeenth sections of this act for ships or vessels licensed for carrying on the coasting trade: *Provided, however*, That nothing

herein contained shall be construed to extend to registered ships or vessels of the United States, having on board goods, wares, and merchandise of foreign growth or manufacture, brought into the United States in such ship or vessel from a foreign port, and on which the duties have not been paid or secured, according to law.

SEC. 21. *And be it further enacted*, That, when any ship or vessel, licensed for carrying on the fishery, shall be intended to touch and trade at any foreign port or place, it shall be the duty of the master, commander, or owner, to obtain permission for that purpose from the collector of the district where such ship or vessel may be, previous to her departure, and the master or commander of every such ship or vessel shall deliver like manifests and make like entries, both of the ship or vessel and of the goods, wares, or merchandise on board, within the same time, and under the same penalty as, by the laws of the United States, are provided for ships or vessels of the United States arriving from a foreign port. And if any ship or vessel licensed for carrying on the fisheries shall be found within three leagues of the coast with goods, wares, or merchandise of foreign growth or manufacture exceeding the value of five hundred dollars, without having such permission as is herein directed, such ship or vessel, together with the goods, wares, or merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

SEC. 22. *And be it further enacted*, That the master or commander of every ship or vessel employed in the transportation of goods from district to district that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and if the master of such ship or vessel shall neglect or refuse to do the same, he shall forfeit twenty dollars.

SEC. 23. *And be it further enacted*, That if the master or commander of any ship or vessel, employed in the transportation of goods from district to district, having on board goods, wares, or merchandise of foreign growth or manufacture, or distilled spirits, shall, on his arrival at the port to which he was destined, have lost or mislaid the certified manifest of the same, or the permit which was given therefor, by the collector or surveyor of the district from whence he sailed, the collector of the district where he shall so arrive shall take bond for the payment of the duties on such goods, wares, and merchandise of foreign growth or manufacture, or distilled spirits, within six months, in the same manner as though they were imported from a foreign country: *Provided, however*, Such bond shall be cancelled, if the said master shall deliver, or cause to be delivered, to the collector taking such bond, and within the term therein limited for payment, a certificate from the collector or surveyor of the district from whence he sailed that such goods were legally exported in such ship or vessel from such district.

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Sec. 24. *And be it further enacted,* That the master or commander of every foreign ship or vessel, bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district, duplicate manifests of the lading on board such ship or vessel, if there be any, or, if there be none, he shall declare that such is the case, and to the truth of such manifests or declaration, he shall swear or affirm, and also obtain a permit, from the said collector, authorizing him to proceed to the place of his destination. And the master or commander of every such ship or vessel, on his arrival within any district, from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unlading any goods from on board such ship or vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such ship, or vessel, if any there be, or if in ballast only, he shall so declare, and to the truth of which manifest or declaration, he shall swear or affirm; and, also, that such manifest contains an account of all the goods, wares, and merchandise which were on board such ship or vessel, at the time, or have been, since her departure from the place, from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed. And if the master or commander of any such ship or vessel, shall neglect or refuse complying with any of the requirements herein made, he shall forfeit one hundred dollars: *Provided, always,* That nothing herein contained shall be construed as affecting the payment of tonnage, or any other requirements which such ships or vessels are now subject to by the present existing laws of the United States.

Sec. 25. *And be it further enacted,* That in every case, where the collector is, by this act, directed to grant any enrolment, license, certificate, permit, or other document, the naval officer residing at the port (if there be one) shall sign the same, and every surveyor who shall certify a manifest, or grant a permit, or who shall receive any certified manifest, or a permit as is provided for in this act, shall make monthly returns thereof, or sooner, if it can conveniently be made, to the collector of the district where such surveyor may reside.

Sec. 26. *And be it further enacted,* That, before any ship or vessel, of the burden of five tons and less than twenty tons, shall be licensed, the same admeasurement shall be made of such ship or vessel, and the same provisions observed relative thereto, as are to be observed in case of admeasuring ships or vessels to be registered or enrolled; but in all cases where such ship or vessel, or any other licensed ship or vessel, shall have been once admeasured, it shall not be necessary to measure such ship or vessel anew, for the purpose of obtaining another enrolment or license, except such ship or vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license.

Sec. 27. *And be it further enacted,* That it shall be lawful for any officer of the revenue to go on board of any ship or vessel, whether she shall be within or without his district, and the same to inspect, search, and examine, and if it shall appear that any breach of the laws of the United States has been committed, whereby such ship or vessel, or the goods, wares, and merchandise on board, or any part thereof, is, or are liable to forfeiture, to make seizure of the same.

Sec. 28. *And be it further enacted,* That, in every case where a forfeiture of any ship or vessel, or of any goods, wares, or merchandise shall accrue, it shall be the duty of the collector, or other proper officer, who shall give notice of the seizure of such ship or vessel, or of such goods, wares, or merchandise, to insert in the same advertisement the name or names and the place or places of residence of the person or persons to whom any such ship or vessel, goods, wares, and merchandise belonged or were consigned, at the time of such seizure, if the same shall be known to him.

Sec. 29. *And be it further enacted,* That every collector who shall knowingly make any record of enrolment or license of any ship or vessel, and every other officer or person, appointed by, or under them, who shall make any record, or grant any certificate or other document whatever, contrary to the true intent and meaning of this act, or shall take any other or greater fees than are by this act allowed, or shall receive, for any service performed pursuant to this act, any reward or gratuity, and every surveyor or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector or naval officer a false description of any ship or vessel, to be enrolled or licensed, in pursuance of this act, shall upon conviction of any such neglect or offence, forfeit to the United States five hundred dollars, and be rendered incapable of serving in any office of trust or profit under the United States. And if any person authorized and required by this act, in respect to his office, to perform any act or thing required by this act, shall wilfully neglect or refuse to do and perform the same, according to the true intent and meaning of this act, such person, on being duly convicted thereof, if not hereby subject to the penalty and disqualifications aforesaid, shall forfeit and pay the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall from thenceforward be rendered incapable of holding any office of trust or profit under the United States.

Sec. 30. *And be it further enacted,* That, if any person or persons shall swear or affirm to any of the matters herein required to be verified, knowing the same to be false, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury. And if any person or persons shall forge, counterfeit, erase, alter, or falsify any enrolment, license, certificate, permit, or other document, mentioned or required in this act to be granted by any officer of the revenue, such person or persons so offending shall forfeit five hundred dollars.

Sec. 31. *And be it further enacted,* That if any

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person or persons shall assault, resist, obstruct, or hinder any officer in the execution of this act, or of any other act or law of the United States herein mentioned, or of any of the powers or authorities vested in him by this act, or any other act or law, as aforesaid, all and every person and persons so offending shall, for every such offence, for which no other penalty is particularly provided, forfeit five hundred dollars.

SEC. 32. *And be it further enacted*, That if any licensed ship or vessel shall be transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or if any such ship or vessel shall be employed in any other trade than that for which she is licensed, or shall be found with a forged or altered license, or one granted for any other ship or vessel, every such ship or vessel, with her tackle, apparel, and furniture, and the cargo found on board her, shall be forfeited.

SEC. 33. *Provided, nevertheless, and be it further enacted*, That in all cases where the whole, or any part, of the lading or cargo on board any ship or vessel shall belong *bona fide* to any person or persons other than the master, owner, or mariners of such ship or vessel, and upon which the duties shall have been previously paid or secured, according to law, shall be exempted from any forfeiture under this act, anything therein contained to the contrary notwithstanding.

SEC. 34. *And be it further enacted*, That the fees and allowances for the several duties and services to be performed in virtue of this act shall be as follow, that is to say:

For admeasuring every ship or vessel, in order to the enrolment or licensing and recording the same, if of the burden of five tons, and less than twenty tons, fifty cents; if of twenty tons, and not exceeding seventy tons, seventy-five cents; if above seventy tons, and not exceeding one hundred tons, one hundred cents; if above one hundred tons, one hundred and fifty cents.

For every certificate of enrolment, fifty cents.

For every endorsement on a certificate of enrolment, twenty cents.

For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty, and not more than one hundred tons, fifty cents; and if more than one hundred tons, one hundred cents.

For every endorsement on a license, twenty cents.

For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty-five cents, if less than fifty tons; and if above fifty tons, fifty cents.

For receiving a certified manifest, and granting a permit on the arrival of such vessel, twenty-five cents, if less than fifty tons; and if above fifty tons, fifty cents.

For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one hundred and fifty cents.

For receiving a certified manifest, and granting a permit, on the arrival of such registered vessel, one hundred and fifty cents.

For granting a permit for a vessel, not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two hundred cents.

For receiving a manifest, and granting a permit to unload, for such last mentioned vessel, on her arrival in one district from another district, two hundred cents.

For granting a permit for a vessel carrying on the fishery, to trade at a foreign port, twenty-five cents; and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

And where a surveyor shall certify a manifest, or grant a permit, or receive a certified manifest and grant a permit, the fees arising therefrom shall be received by him solely for his use. And all other fees arising by virtue of this act shall be received and accounted for by the collector, or, at his option, by the naval officer, where there is one; and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two-thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees as shall arise in the port for which he is appointed: *Provided, always*, That, in all cases where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof as aforesaid; and every collector and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept in some conspicuous place of his office, a fair table of the rates of fees demandable by this act.

SEC. 35. *And be it further enacted*, That all penalties and forfeitures which shall be incurred by virtue and force of this act, shall and may be sued for, prosecuted, and recovered in like manner as penalties and forfeitures incurred by virtue of the act, entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," may be sued for, prosecuted, and recovered, and shall be appropriated in like manner: *Provided, always*, That if any officer, entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case he shall not receive, or be entitled to any part or share of the said penalty or forfeiture, and the part or share to which he would otherwise have been entitled, shall accrue to the United States.

SEC. 36. *And be it further enacted*, That this act shall commence and take effect from and after the last day of May next, and thenceforth the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and also the act, entitled "An act to

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explain and amend an act, entitled 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,' shall be repealed and cease to operate, except as to the validity of the registers, records, enrolments, and licenses, with the certificates and documents, which shall have been done or granted, in pursuance of those acts, prior to the first day of June next, which shall continue to be of the like force and effect as if the said acts were not repealed; and except, also, as to the prosecution, recovery, and distribution of, and for fines, penalties, and forfeitures, which may have been incurred prior to the first day of June next, for which purpose, likewise, the said acts shall continue in force.

SEC. 37. And be it further enacted, That nothing in this act shall be construed to extend to any boat or lighter, not being masted, or if masted, and not decked, employed in the harbor of any town or city.

Approved, February 18, 1793.

An Act providing compensation to the President and Vice President of the United States.

Be it enacted, &c., That, from and after the third day of March, in the present year, the compensation of the President of the United States shall be at the rate of twenty-five thousand dollars per annum, with the use of the furniture and other effects belonging to the United States, and now in possession of the President; and that of the Vice President, at the rate of five thousand dollars per annum, in full for their respective services, to be paid quarter-yearly at the Treasury.

Approved, February 18, 1793.

An Act to repeal part of a Resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents.

Be it enacted, &c., That so much of the resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, as requires the French and Canadian inhabitants, and other settlers at Post Saint Vincents, to pay for the survey of the several tracts which they rightfully claimed, and which had been allotted to them, according to the laws and usages of the Government, under which they had settled, be, and hereby is, repealed: and that such surveys thereof, as may have been made, be paid for by the United States, not exceeding the rates hitherto established by Congress for making surveys.

Approved, February 21, 1793.

An Act to promote the progress of Useful Arts, and to repeal the Act heretofore made for that purpose.

Be it enacted, &c., That when any person or persons, being a citizen or citizens of the United States, shall allege that he or they have invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used before

the application, and shall present a petition to the Secretary of State, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted therefor, it shall and may be lawful for the said Secretary of State to cause letters patent to be made out in the name of the United States, bearing teste by the President of the United States, reciting the allegations and suggestions of the said petition, and giving a short description of the said invention or discovery, and thereupon granting to such petitioner or petitioners, his, her, or their heirs, administrators or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery, which letters patent shall be delivered to the Attorney General of the United States, to be examined; who, within fifteen days after such delivery, if he finds the same conformable to this act, shall certify accordingly at the foot thereof, and return the same to the Secretary of State, who shall present the letters patent thus certified, to be signed, and shall cause the seal of the United States to be thereto affixed; and the same shall be good and available to the grantee or grantees, by force of this act, and shall be recorded in a book, to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his order.

SEC. 2. Provided always, and be it further enacted, That any person who shall have discovered an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make, use, or vend the original discovery, nor shall the first inventor be at liberty to use the improvement. And it is hereby enacted and declared, that simply changing the form or the proportions of any machine, or composition of matter, in any degree, shall not be deemed a discovery.

SEC. 3. And be it further enacted, That every inventor, before he can receive a patent, shall swear or affirm that he does verily believe that he is the true inventor or discoverer of the art, machine, or improvement, for which he solicits a patent, which oath or affirmation may be made before any person authorized to administer oaths, and shall deliver a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear, and exact terms, as to distinguish the same from all other things before known, and to enable any person skilled in the art or science, of which it is a branch, or with which it is most nearly connected, to make, compound, and use the same. And in the case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character, by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for

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the purpose of experiment, where the invention is of a composition of matter; which description, signed by himself, and attested by two witnesses, shall be filed in the office of the Secretary of State, and certified copies thereof shall be competent evidence, in all Courts, where any matter or thing, touching such patent right, shall come in question. And such inventor shall, moreover, deliver a model of his machine, provided the Secretary shall deem such model to be necessary.

SEC. 4. *And be it further enacted,* That it shall be lawful for any inventor, his executor, or administrator, to assign the title and interest in the said invention, at any time, and the assignee having recorded the said assignment, in the office of the Secretary of State, shall thereafter stand in the place of the original inventor, both as to right and responsibility, and so the assignees of assigns, to any degree.

SEC. 5. *And be it further enacted,* That if any person shall make, devise, and use, or sell the thing so invented, the exclusive right of which shall, as aforesaid, have been secured to any person by patent, without the consent of the patentee, his executors, administrators, or assigns, first obtained in writing, every person so offending shall forfeit and pay, to the patentee, a sum that shall be at least equal to three times the price for which the patentee has usually sold or licensed to other persons the use of the said invention; which may be recovered in an action on the case, founded on this act, in the Circuit Court of the United States, or any other Court having competent jurisdiction.

SEC. 6. *Provided always, and be it further enacted,* That the defendant in such action shall be permitted to plead the general issue, and give this act and any special matter, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, in evidence, tending to prove that the specification filed by the plaintiff does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made, for the purpose of deceiving the public, or that the thing, thus secured by patent, was not originally discovered by the patentee, but had been in use, or had been described in some public work, anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person; in either of which cases, judgment shall be rendered for the defendant, with costs, and the patent shall be declared void.

SEC. 7. *And be it further enacted,* That where any State, before its adoption of the present form of Government, shall have granted an exclusive right to any invention, the party claiming that right shall not be capable of obtaining an exclusive right under this act, but on relinquishing his right under such particular State, and of such relinquishment, his obtaining an exclusive right under this act shall be sufficient evidence.

SEC. 8. *And be it further enacted,* That the persons whose applications for patents were, at the time of passing this act, depending before the Se-

cretary of State, Secretary at War, and Attorney General, according to the act, passed the second session of the first Congress, entitled "An act to promote the progress of Useful Arts," on complying with the conditions of this act, and paying the fees herein required, may pursue their respective claims to a patent under the same.

SEC. 9. *And be it further enacted,* That in case of interfering applications, the same shall be submitted to the arbitration of three persons, one of whom shall be chosen by each of the applicants, and the third person shall be appointed by the Secretary of State; and the decision or award of such arbitrators, delivered to the Secretary of State, in writing, and subscribed by them, or any two of them, shall be final, as far as respects the granting of the patent: and if either of the applicants shall refuse or fail to choose an arbitrator, the patent shall issue to the opposite party. And where there shall be more than two interfering applications, and the parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the Secretary of State to appoint three arbitrators for the purpose.

SEC. 10. *And be it further enacted,* That, upon oath or affirmation being made, before the Judge of the District Court, where the patentee, his executors, administrators, or assigns reside, that any patent, which shall be issued in pursuance of this act, was obtained surreptitiously, or upon false suggestion, and motion made to the said Court, within three years after issuing the said patent, but not afterwards, it shall and may be lawful for the Judge of the said District Court, if the matter alleged shall appear to him to be sufficient to grant a rule, that the patentee, or his executor, administrator, or assign, show cause why process should not issue against him to repeal such patent. And if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said Judge shall order process to be issued against such patentee, or his executors, administrators, or assigns, with costs of suit. And in case no sufficient cause shall be shown to the contrary, or if it shall appear that the patentee was not the true inventor or discoverer, judgment shall be rendered by such Court for the repeal of such patent; and if the party, at whose complaint the process issued, shall have judgment given against him, he shall pay all such costs as the defendant shall be put to, in defending the suit, to be taxed by the Court, and recovered in due course of law.

SEC. 11. *And be it further enacted,* That every inventor, before he presents his petition to the Secretary of State, signifying his desire of obtaining a patent, shall pay into the Treasury thirty dollars, for which he shall take duplicate receipts: one of which receipts he shall deliver to the Secretary of State when he presents his petition; and the money thus paid shall be in full for the sundry services to be performed in the office of the Secretary of State, consequent on such petition, and shall pass to the account of clerk-hire in that office: *Provided, nevertheless,* That for every copy, which may be required at the said office, of any paper respecting any patent that has been

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granted, the person obtaining such copy, shall pay at the rate of twenty cents for every copy-sheet of one hundred words, and for every copy of a drawing, the party obtaining the same shall pay two dollars; of which payments, an account shall be rendered annually to the Treasury of the United States, and they shall also pass to the account of clerk-hire in the office of the Secretary of State.

SEC. 12. *And be it further enacted,* That the act passed the tenth day of April, in the year one thousand seven hundred and ninety, entitled "An act to promote the progress of Useful Arts," be, and the same is hereby, repealed: *Provided, always,* That nothing contained in this act shall be construed to invalidate any patent, that may have been granted under the authority of the said act; and all patentees under the said act, their executors, administrators, and assigns, shall be considered within the purview of this act, in respect to the violation of their rights: *Provided,* Such violations shall be committed after the passing of this act.

Approved, February 21, 1793.

An Act making Provision for the Persons therein mentioned.

Whereas, Colonel John Harding, and Major Alexander Trueman, while employed in carrying messages of peace to the hostile Indians, were killed by the said Indians:

Be it enacted, &c., That four hundred and fifty dollars per annum, for seven years, be allowed to the widow and orphan children of the said Colonel John Harding; and the sum of three hundred dollars per annum, for the same term of seven years, to the orphan children of the said Major Alexander Trueman, to commence on the first day of July, one thousand seven hundred and ninety-two, and to be paid half-yearly, at the Treasury, to the said widow, and to the guardians of the said orphan children, or to their legal attorneys.

Approved, February 27, 1793.

An Act for repealing the several Import Laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed.

Be it enacted, &c., That the several laws of the United States, imposing duties on goods, wares, and merchandise, imported into the United States, so far as they may be deemed to impose a duty on horses, cattle, sheep, swine, or other useful beasts imported into the United States for breed, shall be repealed.

Approved, February 27, 1793.

An Act in addition to, and alteration of the act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

Be it enacted, &c., That the second section of the act, entitled "An act to extend the time limited for settling the accounts of the United States with

the individual States," which extended the powers of the Board of Commissioners to the settlement of the accounts between the United States and the State of Vermont, be, and hereby is, repealed.

SEC. 2. *And be it further enacted,* That the Board of Commissioners established to settle the accounts between the United States and the individual States, in apportioning the aggregate of all the balances due to each State between the States, agreeably to the act, entitled "An act to provide more effectually for the settlement of the accounts between the United States and the individual States," shall have no regard to the State of Vermont.

SEC. 3. *And be it further enacted,* That in the apportioning of the balances aforesaid, the State of Kentucky shall be deemed to be included in the State of Virginia, the admission of the said State of Kentucky as a member of the Union notwithstanding.

Approved, February 27, 1793.

An Act to regulate the claims to Invalid Pensions.

Whereas, the act passed at the last session of Congress, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to Invalid Pensions," is found by experience inadequate to prevent the admission of improper claims to Invalid Pensions, and not to contain a sufficient facility for the allowance of such as may be well founded. Therefore,

Be it enacted, &c., That the second, third, and fourth sections of the said act be repealed, and that in future, all claims to such pensions shall be regulated in the manner following, to wit: First. All evidence relative to invalids shall be taken upon oath or affirmation, before the Judge of the district in which such invalids reside, or before any three persons specially authorized by commission from the said Judge. Secondly. The evidence relative to any claimant must prove decisive disability to have been the effect of known wounds received while in the actual line of his duty, in the service of the United States during the late war. That this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps, or company, in which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound. Thirdly. Every claimant shall be examined upon oath or affirmation, by two physicians or surgeons, to be authorized by commission from the said Judge, who shall report, in writing, their opinion, upon oath or affirmation, of the nature of the said disability, and in what degree it prevents the claimant from obtaining his livelihood by labor. Fourthly. Every claimant shall produce evidence of the time of his leaving the service of the United States. He must also produce evidence of three reputable freeholders of the city, town, or county, in which he usually resided for the two years im-

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mediately after he left the service, as aforesaid, of the existence of his disability during that period; and ascertaining, of their own knowledge, the mode of life, employment, labor, or means of support of the claimant. Fifthly. And the said claimant must produce the evidence of two credible witnesses, of the continuance of his disability from the expiration of the said two years to the time of his application. Sixthly. Each claimant must show a good and sufficient cause why he did not apply for a pension, to the person or persons authorized to examine his claim, on or before the eleventh of December, one thousand seven hundred and eighty-eight, the time limited for applications of this nature. Seventhly. No evidence of any claimant shall be admitted, whose claim has been examined and rejected on or before the aforesaid eleventh of December, one thousand seven hundred and eighty-eight.

SEC. 2. *And be it further enacted,* That the Judge of the district shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the Department of War, in order that the same may be compared with the muster-rolls and other documents in his office; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks as may be necessary in order to enable them to take such order thereon as they may judge proper.

SEC. 3. *And be it further enacted,* That no person not on the Pension List before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed; saving, however, to all persons, all and singular their rights founded upon legal adjudications under the act entitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to Invalid Pensions;" but it shall be the duty of the Secretary of War, in conjunction with the Attorney General, to take such measures as may be necessary to obtain an adjudication of the Supreme Court of the United States, on the validity of any such rights claimed under the act aforesaid, by the determination of certain persons styling themselves Commissioners.

SEC. 4. *And be it further enacted,* That no claim to a pension shall be allowed under this act, which shall not be presented within two years from the passing the same.

Approved, February 26, 1793.

An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three.

Be it enacted, &c., That, for the service of the year 1793, there be appropriated a sum of money not exceeding one million five hundred and eighty-nine thousand and forty-four dollars and seventy-two cents; that is to say:

For the compensations granted by law to the President and Vice President of the United States,

thirty thousand dollars: For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and forty-three thousand five hundred and ninety-one dollars: For the salaries of the Doorkeepers and Assistant Doorkeepers of the Senate and House of Representatives, under the act for their compensation passed the twelfth of April, one thousand seven hundred and ninety-two, one thousand two hundred and thirty-three dollars and sixty-eight cents: For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, nine thousand five hundred and fifty-two dollars: For making good a deficiency in the appropriation in the year one thousand seven hundred and ninety-two, for contingent expenses in the office of the Clerk of the House of Representatives, five hundred and seventy-eight dollars: For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and the Attorney General, forty-three thousand two hundred dollars: For the additional salary of the Attorney General, by the act of the eighth of May, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For defraying the expense of clerks of Courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures, and penalties, twelve thousand dollars: For defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, four thousand dollars: For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eight thousand three hundred and fifty dollars: For salary of the two principal clerks to the Secretary of the Treasury, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, one thousand and forty-three dollars and twenty-eight cents: For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars: For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, nine thousand four hundred and fifty dollars: For the increased salary of the Comptroller, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, six hundred dollars: For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, ten thousand four hundred and fifty dollars: For the increased salary of the Auditor, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing, and other contingent expenses in the Auditor's office, six hundred dollars: For compensation to the Register of the Treasury, clerks, and persons employed in his office, eighteen thousand six hundred dollars: For the increased salary of the Register of the Treas-

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sary, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, three hundred and twenty-six dollars and three cents; and for making good the deficiency in the appropriation of one thousand seven hundred and ninety-two, one hundred dollars; making, in the whole, four hundred and twenty-six dollars and three cents: For expenses of stationery, printing, and other contingent expenses, in the Register's office, two thousand dollars: For compensation to the Treasurer, clerks, and persons employed in his office, four thousand one hundred dollars: For the increased salary of the Treasurer, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, and for making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for clerks in that office, five hundred and thirty dollars and sixty-eight cents: For expense of firewood, stationery, printing, and other contingencies in the Treasurer's office, four hundred and fifty dollars: For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, four thousand one hundred dollars: For the salary of the Commissioner of the Revenue, clerks, and persons employed in that office, from the establishment thereof to the thirty-first of December, one thousand seven hundred and ninety-two, including also contingent expenses to the same time, two thousand eight hundred and seventy-three dollars and forty-six cents: For the expense of stationery, printing, and other contingent expenses in the office of the Commissioner, three hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses of the Treasury Department, two thousand four hundred dollars: For the payment of rent for the several houses employed in the Treasury Department, one thousand four hundred and eighty-nine dollars and ninety-nine cents: For wood and candles in the several offices in the Treasury Department, (except the Treasurer's office,) one thousand two hundred dollars: For compensations to the several Loan officers, thirteen thousand two hundred and fifty dollars: For defraying the expenses of stationery, and for hire of clerks in the offices of the several Commissioners of Loans, to the first of March, one thousand seven hundred and ninety-three, authorized by the act of the eighth of May, one thousand seven hundred and ninety-two, thirty-two thousand seven hundred and twenty-nine dollars and ninety-five cents: To make good deficiencies in former appropriations, for similar expenses, one thousand six hundred and fifty dollars: For compensation to the Secretary of State, clerks, and other persons employed in his office, six thousand three hundred dollars: For defraying the expense of collecting the laws of the several States, publishing and distributing the laws of Congress, and all other expenses in the office of the Secretary of State, one thousand eight hundred and fifty-one dollars and sixty-seven cents: To make good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the

contingent expenses in this office, ninety-three dollars and thirty-four cents: For compensation to the Commissioners for settlement of the accounts between the United States and the individual States, clerks, and persons employed in their office, six thousand six hundred and fifty dollars: For defraying the contingent expenses of the Board of Commissioners, four hundred and seven dollars: For compensation to the Governors, Secretaries, and Judges of the Territory Northwest and the Territory South of the river Ohio, ten thousand three hundred dollars: For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said Territories, seven hundred dollars: For the payment of the pensions granted to invalids, eighty-two thousand two hundred and forty-five dollars and thirty-two cents: For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars: For payment of sundry pensions granted by the late Government, two thousand seven hundred and sixty-seven dollars and seventy-three cents: For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, twenty thousand dollars: For the further expense of building and equipping ten cutters, three thousand dollars: For the purchase of hydrometers, for the use of the officers of the customs and inspectors of the revenue, one thousand five hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the purchase of hydrometers, six hundred and ten dollars and ten cents: For the payment of such demands, not otherwise provided for, as shall have been duly allowed by the officers of the Treasury, five thousand one hundred and sixty-nine dollars: For compensation to the Secretary of War, clerks, and persons employed in his office, seven thousand and fifty dollars: For the increased salary of the chief clerk in the War Department, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, one hundred and thirty dollars and forty-one cents: For expenses of firewood, stationery, printing and other contingent expenses in the office of the Secretary of War, six hundred dollars: For compensation to the accountant to the War Department, and clerks in his office, four thousand two hundred dollars: For salary to the accountant, clerks, and for contingent expenses in that office from the establishment thereof to the thirty-first of December, one thousand seven hundred and ninety-two, one thousand one hundred and sixty-five dollars and eighty-nine cents: For contingent expenses in the office of the accountant to the War Department, three hundred dollars: For payment of four years' rent for the buildings occupied for offices of the Secretary of War and accountant, one thousand six hundred and sixty-six dollars and sixty-six cents: For salaries of the storekeepers at the several arsenals, rents for the buildings occupied as magazines, for payment of the laborers, coopers, armorers, and other persons employed in taking care of the ordnance, arms, and military stores, seven thousand eight hundred and thirty-five dollars and

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thirty-two cents: For five hundred rifles, purchased in the year one thousand seven hundred and ninety-two, six thousand dollars: For expense of repairing arms, equipments of cannon, cartridge boxes, swords, and every other article in the Ordnance Department, ten thousand dollars: For defraying the expenses of the Indian Department, fifty thousand dollars: For the pay of the troops authorized by law, three hundred and four thousand three hundred and eight dollars: For subsistence, three hundred and twelve thousand five hundred and sixty-seven dollars and seventy-five cents: For forage, thirty-four thousand eight hundred and fifty-six dollars: For clothing, one hundred and twelve thousand dollars: For equipments for cavalry, five thousand dollars: For horses for cavalry, five thousand dollars: For Hospital Department, twenty-five thousand dollars: For Quartermaster's Department, one hundred thousand dollars: For maps, hiring expresses, allowance to officers for extra expenses, printing, loss of stores, advertising, apprehending deserters, and every other contingent expense in the War Department, thirty thousand dollars: For the defensive protection of the frontiers, fifty thousand dollars: For the payment of bounties, fifteen thousand two hundred and forty dollars.

SEC. 2. *And be it further enacted,* That the several appropriations herein before made shall be paid and discharged out of the funds following, to wit:

First: The sum of six hundred thousand dollars reserved by the act making provision for the Debt of the United States. Secondly, the surplus, which may remain unexpended, of the moneys appropriated for the use of the War Department, in the year one thousand seven hundred and ninety-two: And, thirdly, The surplus of the existing revenues of the United States, to the end of the year one thousand seven hundred and ninety-three, except what may be otherwise appropriated, during the present session of Congress.

SEC. 3. *And be it further enacted,* That the President of the United States be authorized to borrow, on account of the said States, any sum or sums, not exceeding, in the whole, eight hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, and reimbursable at the pleasure of the United States, to be applied for the purposes aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, one thousand seven hundred and ninety-three: And that it shall be lawful for the Bank of the United States to lend the said sum. And the President of the United States shall cause so much of the Loan, made of the Bank of the United States, pursuant to the eleventh section of the act, by which it is incorporated, to be paid off, in sums not less than fifty thousand dollars, as, in his opinion, the state of the Treasury may, from time to time, admit, out of any moneys, which may be in the Treasury, having due regard to the exigencies of Government, and the appropriations made and to be made by law.

Approved, February 28, 1793.

An Act to regulate Trade and Intercourse with the Indian Tribes.

Be it enacted &c., That no person shall be permitted to carry on any trade or intercourse with the Indian tribes without a license under the hand and seal of the Superintendent of the Department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose; which Superintendent, or person so authorized, shall, on application, issue such license, for a term not exceeding two years, to any proper person, who shall enter into bond, with one or more sureties, approved of by the Superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the United States, conditioned for the true and faithful observance of such rules, regulations, and restrictions, as are or shall be made, for the government of trade and intercourse with the Indian tribes. The said Superintendents, and persons licensed, as aforesaid, shall be governed, in all things touching the said trade and intercourse, by such rules and regulations as the President of the United States shall prescribe.

SEC. 2. *And be it further enacted,* That the Superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.

SEC. 3. *And be it further enacted,* That every person who shall attempt to trade with the Indian tribes, or shall be found in the Indian country, with such merchandise in his possession as are usually vended to the Indians, without lawful license, shall forfeit all the merchandise offered for sale to the Indians, or found in his possession in the Indian country, and shall, moreover, be liable to a fine, not exceeding one hundred dollars, and to imprisonment, not exceeding thirty days, at the discretion of the Court in which the trial shall be: *Provided,* That any citizen of the United States, merely traveling through any Indian town or territory, shall be at liberty to purchase, by exchange or otherwise, such articles as may be necessary for his subsistence, without incurring any penalty.

SEC. 4. *And be it further enacted,* That, if any citizen or inhabitant of the United States, or of either of the Territorial districts of the United States, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit murder, robbery, larceny, trespass, or other crime, against the person or property of any friendly Indian or Indians, which, if committed within the jurisdiction of any State, or within the jurisdiction of either of the said districts, against a citizen thereof, would be punishable by the laws of such State or district, such offender shall be subject to the same punishment, as if the offence had been committed within the State or district to which he or she may belong, against a citizen thereof.

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Sec. 5. And be it further enacted, That if any such citizen or inhabitant shall make a settlement on lands belonging to any Indian tribe, or shall survey such lands, or designate their boundaries, by making trees, or otherwise, for the purpose of settlement, he shall forfeit a sum, not exceeding one thousand dollars nor less than one hundred dollars, and suffer imprisonment, not exceeding twelve months, in the discretion of the Court before whom the trial shall be: and it shall, moreover, be lawful for the President of the United States to take such measures as he may judge necessary, to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States, who have made, or shall hereafter make, or attempt to make, a settlement thereon.

Sec. 6. And be it further enacted, That no person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license the Superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions, and restrictions, as other licenses are to be granted under this act: *Provided, also,* That every person who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they shall have been brought out of the Indian country, shall make a particular return to the Superintendent, or other person from whom he obtained his license, of every horse by him purchased, as aforesaid, describing such horses by their color, height, and other natural or artificial marks, under the penalties contained in their respective bonds. And every person purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit, for every horse thus purchased, or brought from the Indian country, a sum not more than one hundred dollars, nor less than thirty dollars, to be recovered in any Court of Record having competent jurisdiction. And every person who shall purchase a horse, knowing him to be brought out of the Indian territory by any person or persons not licensed, as above, to purchase the same, shall forfeit the value of such horse; one-half for the benefit of the informant, the other half for the use of the United States, to be recovered as aforesaid.

Sec. 7. And be it further enacted, That no agent, superintendent, or other person, authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horses, to or from any Indian; and that any person offending herein, shall forfeit one thousand dollars, and be imprisoned, at the discretion of the Court, before which the conviction shall be had, not exceeding twelve months.

Sec. 8. And be it further enacted, That no purchase or grant of lands, or of any title or claim thereto, from any Indians, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by a treaty or convention en-

tered into pursuant to the Constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States in negotiating such treaty or convention, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months, directly or indirectly to treat with any such Indians, nation, or tribe of Indians, for the title or purchase of any lands by them held or claimed: *Provided, nevertheless,* That it shall be lawful for the agent or agents of any State, who may be present at any treaty held with Indians, under the authority of the United States, in the presence, and with the approbation of, the Commissioner or Commissioners of the United States appointed to hold the same, to propose to, and adjust with, the Indians, the compensation to be made for their claims to lands within such State, which shall be extinguished by the treaty.

Sec. 9. And be it further enacted, That, in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall and may be lawful for the President of the United States to cause them to be furnished with useful domestic animals and implements of husbandry, and also to furnish them with goods or money, in such proportions as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think proper: *Provided,* That the whole amount of such presents, and allowance to such agents, shall not exceed twenty thousand dollars per annum.

Sec. 10. And be it further enacted, That the Superior Courts of each of the said Territorial districts, and the Circuit Courts, and other Courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, into which any offender against this act shall be first brought, or in which he shall be apprehended, shall have, and are hereby invested with, full power and authority, to hear and determine all crimes, offenses, and misdemeanors, against this act; such Courts proceeding therein in the same manner as if such crimes, offenses, and misdemeanors, had been committed within the bounds of their respective districts: and in all cases where the punishment shall not be death, the County Courts of Quarter Sessions in the said Territorial districts, and the District Courts of the United States in their respective districts, shall have, and are hereby invested with, like power to hear and determine the same.

Sec. 11. And be it further enacted, That it shall and may be lawful for the President of the United States, and for the Governors of such Territorial districts, respectively, on proof to them made, that any citizen or citizens of the United States, or of the said districts, or either of them, have been guilty of any of the said crimes, offenses, or misdemeanors, within any town, settlement, or territory, belonging to any nation or tribe of Indians, to cause such person or persons to be apprehended, and brought into either of the United States, or of the said districts, and to be proceeded against in due course of law. And in all cases where the

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punishment shall be death, it shall be lawful for the Governor of the district into which the offender may be first brought, or in which he may be apprehended, to issue a commission of Oyer and Terminer to the Superior Judges of the district, who shall have full power and authority to hear and determine all such capital cases, in the same manner as the Superior Courts of such districts have, in their ordinary sessions. And when the offender shall be brought into, or shall be apprehended in, any of the United States, except Kentucky, it shall be lawful for the President of the United States to issue a like commission to any two Judges of the Supreme Court of the United States, and the Judge of the district, in which the offender may have been apprehended or first brought; which Judges, or any two of them, shall have the same jurisdiction, in such capital cases, as the Circuit Court of such district, and shall proceed to trial and judgment, in the same manner as such Circuit Court might or could do.

SEC. 12. *And be it further enacted*, That all fines and forfeitures, which shall accrue under this act, shall be, one-half to the use of the informant, and the other half to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

SEC. 13. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the jurisdiction of any of the individual States.

SEC. 14. *And be it further enacted*, That all and every other act and acts, coming within the purview of this act, shall be, and are hereby, repealed.

SEC. 15. *And be it further enacted*, That this act shall be in force for the term of two years, and from thence to the end of the then next session of Congress, and no longer.

Approved, March 1, 1793.

An Act to ascertain the Fees in Admiralty proceedings in the District Courts of the United States, and for other purposes.

Be it enacted, &c., That, from and after the first day of May next, there shall not be taxed or adjudged to any officer or other person, any greater or other fee or reward, for or in respect of any service to be done or performed in any of the District Courts of the United States, in cases of Admiralty or maritime jurisdiction, than such as is hereinafter specified, that is to say:

Fees of the Counsellor or Attorney in the District Court, in Admiralty and maritime proceedings:

The stated fee for drawing and exhibiting libel, claim, or answer in each cause, three dollars;

Drawing interrogatories, three dollars;

And all other services in any one cause, three dollars.

SEC. 2. Fees of the Clerk of the District Court, in Admiralty and maritime causes:

For drawing every stipulation, process, motion,

or subpoena, for each sheet, containing ninety words, fifteen cents;

And for engrossing each sheet, ten cents;

Entering the return of process, fifteen cents;

Filing every libel, claim, pleading, or other paper, six cents;

Copies of the pleadings, interrogatories, depositions, and exhibits, when required, for each sheet of ninety words, ten cents;

Entering each proclamation, fifteen cents;

Entering each default, twelve cents;

Entering every rule of Court, fifteen cents;

Examining each witness, and drawing his deposition, for each sheet containing ninety words, fifteen cents;

Certifying each exhibit or writing shown to a witness, at his examination, twenty-five cents;

Drawing every decree, or decretal order, for each sheet containing ninety words, fifteen cents;

And for entering the same in the minutes, for each sheet, as aforesaid, ten cents;

For drawing a record, or making a copy of the proceedings, for each sheet containing ninety words, fifteen cents;

But no pleading, deposition, exhibit, or other writing, to be inserted therein *verbatim*, or in *hæc verba*, shall be computed as any part of such draft.

Entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of ninety words, including all the pleadings, depositions, exhibits, and writings inserted therein, ten cents;

Every certificate, twenty cents;

Entering return of appraisement or sales, for each sheet of ninety words, ten cents;

Affixing the seal to any paper, when required, twenty-five cents;

Drawing commission to examine witnesses, for each sheet containing ninety words, fifteen cents.

And for engrossing the same, if on parchment, including the parchment, twenty cents;

And if on paper, for each sheet of ninety words, ten cents;

Swearing each witness in Court, ten cents;

For every entry or writing not mentioned or described, such allowance shall be taxed, as for similar services herein mentioned.

All money deposited in Court, one and a quarter per cent.

SEC. 3. Fees of the Marshal in the District Court, in Admiralty and maritime causes:

For summoning every witness or appraiser, fifteen cents;

Making each proclamation, fifteen cents;

Serving every *capias*, attachment, or summons, one dollar and fifty cents;

Traveling each mile, going only, either to serve process, or subpoena witnesses, ten cents;

Custody fees of a vessel, for each day, one dollar and fifty cents;

Sales, for any sum under five hundred dollars, two and a half per cent.; and for any larger sum, one and a quarter per cent. upon the excess.

SEC. 4. *And be it further enacted*, That there be allowed and taxed, in the Supreme, Circuit, and District Courts of the United States, in favor

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of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attorneys and counsellors' fees, except in the District Courts in cases of Admiralty and maritime jurisdiction, as are allowed in the Supreme or Superior Courts of the respective States.

Sec. 5. *And be it further enacted,* That this act shall continue and be in force for the term of one year, and from thence until the end of the next session of Congress thereafter, and no longer.

Approved, March 1, 1793.

An Act making an appropriation to defray the expense of a Treaty with the Indians Northwest of the Ohio.

Be it enacted, &c., That a sum, not exceeding one hundred thousand dollars, arising from the surplus of former appropriations unexpended, shall be, and the same is hereby, appropriated to defraying the expense of negotiating and treating with the hostile Indian tribes Northwest of the river Ohio.

Sec. 2. *And be it further enacted,* That each of the Commissioners who may be appointed for managing such negotiations and treaties, shall be entitled to an allowance, exclusive of his necessary expenses, of eight dollars per day, during his actual service, to be paid out of the moneys so appropriated.

Approved, March 2, 1793.

An Act in addition to the Act, entitled "An act to establish the Judicial Courts of the United States."

Be it enacted, &c., That the attendance of only one of the Justices of the Supreme Court, at the several Circuit Courts of the United States, to be hereafter held, shall be sufficient, any law requiring the attendance of two of the said Justices notwithstanding: *Provided,* That it shall be lawful for the Supreme Court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign two of the said Justices to attend the Circuit Court or Courts, and it shall be the duty of the Justices so assigned, to attend accordingly: *And provided also,* That when only one Judge of the Supreme Court shall attend any Circuit Court, and the District Judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause then pending, such Circuit Court may consist of the said Judge of the Supreme Court alone.

Sec. 2. *And be it further enacted,* That, if at any time only one Judge of the Supreme Court, and the Judge of the district, shall sit in a Circuit Court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the Court, they shall be divided in opinion, it shall be continued to the succeeding Court; and if upon the second hearing, when a different Judge of the Supreme Court shall be present, a like division shall take place, the District Judge adhering to his former opinion, judgment shall be rendered in conformity to the opinion of the presiding Judge.

Sec. 3. *And be it further enacted,* That the Supreme Court, or, when the Supreme Court shall not be sitting, any one of the Justices thereof, to-

gether with the Judge of the district within which a special session, as hereafter authorized, shall be holden, may direct special sessions of the Circuit Courts to be holden, for the trial of criminal causes, at any convenient place within the district, nearer to the place where the offences may be said to be committed than the place or places appointed by law for the ordinary sessions: That the clerk of such Circuit Court shall, at least thirty days before the commencement of such special session, cause the time and place for holding the same to be notified, for at least three weeks successively, in one or more of the newspapers published nearest to the place where the session is to be holden: That all process, writs, and recognizances of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time or times previous to the next stated meeting of the Circuit Court: That all business depending for trial at any special Court, shall, at the close thereof, be considered as of course removed to the next stated term of the Circuit Court: And that the District Courts of Maine and Kentucky shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given or is hereby given to the Circuit Courts, subject to the like regulations and restrictions.

Sec. 4. *And be it further enacted,* That bail for appearance in any Court of the United States, in any criminal cause in which bail by law is allowed, may be taken by any Judge of the United States, any Chancellor, Judge of a Supreme or Superior Court, or chief or first Judge of a Court of Common Pleas of any State, or Mayor of a city in either of them, and by any person having authority from a Circuit Court, or the District Courts of Maine or Kentucky, to take bail; which authority, revocable at the discretion of such Court, any Circuit Court, or either of the District Courts of Maine or Kentucky, may give to one or more discreet persons, learned in the law, in any district for which such Court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before named officers, such provision shall, in the opinion of the Court, be necessary: *Provided,* That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death; nor to abridge any power heretofore given by the laws of the United States to any description of persons to take bail.

Sec. 5. *And be it further enacted,* That writs of *ne exeat* and of injunction may be granted by any Judge of the Supreme Court, in cases where they might be granted by the Supreme or a Circuit Court; but no writ of *ne exeat* shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the Court or Judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay pro-

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ceedings in any Court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

SEC. 6. *And be it further enacted,* That subpoenas for witnesses, who may be required to attend a Court of the United States, in any district thereof, may run into any other district: *Provided,* That in civil causes, the witnesses living out of the district in which the Court is holden, do not live at a greater distance than one hundred miles from the place of holding the same.

SEC. 7. *And be it further enacted,* That it shall be lawful for the several Courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective Courts, directing the returning of writs and processes, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default, and other matters in the vacation, and otherwise, in a manner not repugnant to the laws of the United States, to regulate the practice of the said Courts, respectively, as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

SEC. 8. *And be it further enacted,* That where it is now required by the laws of any State that goods taken in execution on a writ of *fiery facias* shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the State to appraise goods taken in execution, on a *fiery facias* issued out of any Court of the United States, in the same manner as if such writ had issued out of a Court held under the authority of the State; and it shall be the duty of the marshal in whose custody such goods may be to summon the appraisers, in like manner as the sheriff is, by the laws of the State, required to summon them; and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the State; and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the marshal may proceed to sell such goods without an appraisement.

Approved, March 2, 1793.

An Act to alter the times and places of holding the Circuit Courts in the Eastern District, and in North Carolina, and for other purposes.

Be it enacted, &c., That the Spring Circuit Courts of the Eastern District, instead of being held at the times and places now established by law for holding the same, shall, from henceforth, be held at the times and places following, respectively, namely: for the district of New York, at New York, on the fifth day of April: for the district of Connecticut, at New Haven, on the twenty-fifth day of April; for the district of Vermont at Windsor and Bennington alternately, beginning at the first, on the twelfth day of May; for the district of New Hampshire, at Portsmouth, on the twenty-seventh day of May; for the district of

Massachusetts, at Boston, on the seventh day of June; and for the district of Rhode Island, at Newport, on the nineteenth day of June; and if any of the said days shall happen on a Sunday, the Courts, respectively, shall commence and be holden on the day following. And all causes now pending in the said Courts, and all appeals, processes, and recognizances, returned or returnable to the same, and all officers, jurors, parties, and witnesses, shall be conformable to this act.

SEC. 2. *And be it further enacted,* That, from and after the expiration of the session of the Circuit Court of the State of North Carolina, which is to commence on the first day of June next, (which session shall be held, anything in this act notwithstanding, at Newbern,) the stated sessions of the said Court shall be held at Wake Court-house, either in the Court-house belonging to the said county, or in some convenient building contiguous thereto, until there shall be convenient accommodations for the said purpose in the city of Raleigh, in the said State; after which, and upon its being made so to appear to the said Court, the said Court is hereby authorized and directed, at the close of the session then depending, to adjourn the said Court, to meet at its next stated session in the city of Raleigh, which said city of Raleigh shall thereafter be the place at which the stated sessions of the said Court shall be constantly held.

SEC. 3. *And be it further enacted,* Inasmuch as there was not a sufficient quorum of Judges to hold the Circuit Court for the district of North Carolina, for the purpose of doing business, at November term, one thousand seven hundred and ninety-two, that it shall and may be lawful for the District Judge of the State of North Carolina, to direct the clerk of the said Court to issue such process for the purpose of having jurymen summoned to attend the said Court, at the term to commence on the first day of June next, as he had before issued for the like purpose, returnable to November term above mentioned; that the jurymen ordered by the said process to be summoned shall be ordered to be summoned in the same proportion, and from the same counties, as those jurymen who were ordered to be summoned by the process returnable at November term above mentioned; and the marshal is to execute the said process, and the jurymen legally summoned in consequence thereof are to attend the said Court, under the like penalties for disobedience, as if the said process had been ordered to be issued as usual by the said Court; and the marshal and the jurymen who attend at the said Court shall be entitled to the like allowance for their services respectively. And it is hereby declared that all suits and proceedings, of what nature or kind soever, which have been commenced in the said Court and not finished, shall be proceeded on at the ensuing term, in the same manner and to the same effect, as if the said Circuit Court had been regularly held at November term, as aforesaid, and continuances had been regularly held of all such suits and proceedings from the said last mentioned term to the ensuing term.

Approved, March 2, 1793.

Acts of Congress.

An Act supplementary to the act entitled "An act to provide more effectually for the Collection of the Duties imposed by law on Goods, Wares, and Merchandise, imported into the United States, and on the Tonnage of Ships or Vessels.

Be it enacted, &c., That there shall be in the State of Georgia a district, to be called the district of Hardwick, to comprehend all the waters, shores, bays, harbors, creeks, and rivers, between the South point of Ossabow island and the South point of Warsaw island; that in the said district the town of Hardwick shall be the only port of entry; and a collector for said district shall be appointed to reside at Hardwick; and the said collector shall be entitled to receive the like fees and the same yearly allowance which is paid to the collector of the district of St. Mary's, in the said State.

SEC. 2. And be it further enacted, That so much of Lake Champlain, with the shores, bays, and rivers, connected therewith as lieth within the State of New York, shall be one entire district, to be called the district of Champlain; and the President of the United States be, and hereby is, authorized to appoint such place, within said district, to be the port of entry and delivery within the same as he may deem expedient; and a collector for the said district shall be appointed, to reside at such place within said district as the President of the United States shall direct, who shall be allowed the same fees as are allowed to the collector in the district of Vermont: *Provided, nevertheless,* That the exception contained in the sixty-ninth section of the act above mentioned, relative to the district of Louisville, shall be, and hereby is, extended to the district of Champlain.

SEC. 3. And be it further enacted, That, from and after the last day of June next, the collectors in the districts of Vermont and Champlain, in addition to the fees and emoluments which may accrue to them in the collection of the duties of impost and tonnage by the provisions already made, shall severally have, and be entitled to receive, the yearly sum of one hundred dollars each.

SEC. 4. And be it further enacted, That, from and after the last day of June next, the allowance of one-half per centum to the collectors of the districts of Pennsylvania and of the city of New York, and the allowance of one per centum to the collectors of the districts of Boston and Charlestown and of Baltimore on the amount of all the moneys by them respectively received on account of the duties of impost and tonnage shall cease, and, instead thereof, from and after the said last day of June next, the collectors of the districts of Pennsylvania and of the city of New York shall be entitled to three-eighths of one per centum, and the collectors of the districts of Boston and Charlestown and of Baltimore shall be entitled to three-fourths of one per centum on all such moneys by them respectively received.

SEC. 5. And be it further enacted, That, from and after the first day of January next, no officer of the customs, or other person employed under the authority of the United States, in the collection of the duties imposed by law on goods, wares,

and merchandise, imported into the United States, and on the tonnage of ships or vessels, shall own, in whole or in part, any ship or vessel, or act as agent, attorney, or consignee, for the owner or owners of any ship or vessel, or of any cargo or lading on board the same; nor shall any officer of the customs, or other person employed in the collection of the duties as aforesaid, import, or be concerned, directly or indirectly, in the importation of any goods, wares, or merchandise, into the United States, on penalty that every person so offending, and being thereof convicted, shall forfeit the sum of five hundred dollars.

SEC. 6. And be it further enacted, That so much of the twelfth section of an act entitled "An act making alterations in the Treasury and War Departments," as restricted all officers of the United States employed in the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the United States, or of any State, or of any public property of either, be and the same is hereby, repealed, so far as the same prohibits them from disposing of their interest in the funds or debts of the United States, or of any of the said States.

SEC. 7. And be it further enacted, That the President of the United States may, if he shall judge it conducive to the public interest, increase the complement of mariners to the several revenue-cutters, so that the number do not exceed seven mariners to each cutter; and that, from and after the first day of April next, there be allowed, in lieu of the compensations now established, to the master of each revenue-cutter, forty dollars per month and the subsistence of a Captain in the Army of the United States; to a first mate, twenty-six dollars per month; to a second mate, twenty dollars per month; to a third mate, eighteen dollars per month; to every mate, the subsistence of a Lieutenant of the said Army; and to each mariner, not exceeding ten dollars per month, to be paid by the collectors of the revenue who shall be designated for that purpose. And that the Secretary of the Treasury be, and he is hereby, authorized to contract for the supply of rations for the officers and men of the said cutters, on such terms as shall, from time to time, appear reasonable.

Approved, March 2, 1793.

An Act providing for the payment of the first instalment due on a Loan made of the Bank of the United States.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to apply two hundred thousand dollars of the moneys which may have been borrowed in pursuance of the fourth section of the act entitled "An act making provision for the reduction of the Public Debt," in payment of the first instalment due to the Bank of the United States upon a loan made of the said Bank, in pursuance of the eleventh section of the act for incorporating the subscribers to the said Bank.

Approved, March 2, 1793.

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An Act for extending the time for Receiving on Loan that part of the Domestic Debt of the United States, which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three.

Be it enacted, &c., That the term for receiving on Loan that part of the Domestic Debt of the United States, which shall not have been subscribed in pursuance of the act, entitled "An act supplementary to the act making provision for the Debt of the United States," be extended, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of June, one thousand seven hundred and ninety-four, inclusively, on the same terms and conditions as are contained in the act, entitled "An act making provision for the Debt of the United States:." *Provided*, That the books for receiving the said subscriptions shall be opened only at the Treasury of the United States.

Sec. 2. And be it further enacted, That such of the creditors of the United States as have not subscribed, and shall not subscribe to the said Loan, shall, nevertheless, receive, during the year one thousand seven hundred and ninety-three, a rate per centum on the amount of such of their demands as shall have been registered, conformable to the directions contained in the said act, on or before the last day of June, one thousand seven hundred and ninety-four, equal to the interest which would be payable to them as subscribing creditors.

Approved, March 2, 1793.

An Act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That all expenses which shall accrue, from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, the stakeage of channels on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-four, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not, in the mean time, be ceded to or vested in the United States by the State or States, respectively, in which the same may be; and that the said time be further allowed to the States respectively to make such cession.

Sec. 2. And be it further enacted, That the Secretary of the Treasury be authorized and directed to cause a floating beacon or buoy to be provided and placed on Smith's Point shoal, in the Chesapeake Bay, and a beacon or floating buoy at the Southwest Straddle, on the Royal Shoal, near Ocracoke Inlet, in North Carolina.

Approved, March 2, 1793.

An Act providing an annual allowance for the education of Hugh Mercer.

Be it enacted, &c., That an annual allowance to be made for the education of Hugh Mercer, son

of the late General Mercer, pursuant to the resolution of the former Congress of the date of the eighth of April, one thousand seven hundred and seventy-seven, shall be four hundred dollars from the time for which he has been last paid until his education shall be finished, or he shall arrive at the age of twenty-one years. And, that the Comptroller of the Treasury be authorized to revise and settle the account of the said Hugh Mercer, for his pension to the present time; the balance of which, as also the annual allowances aforesaid, as they shall become due, shall be paid to his guardian at the Treasury.

Approved, March 2, 1793.

An Act making certain Appropriations therein mentioned.

Be it enacted, &c., That there be appropriated to the purposes hereinafter mentioned, to be paid out of any moneys, which shall come into the Treasury of the United States, to the end of the present year, (not proceeding from the duties on imports and tonnage) and not heretofore appropriated, and out of the surplus of any of the duties of impost and tonnage, which may accrue, during the present year, the sum of fifty-nine thousand one hundred and seven dollars, and forty-one cents:

For purchasing two lots of ground, with the buildings thereon, and for erecting other buildings, and purchasing sundry materials and necessaries for the use of the Mint, twelve thousand and seventy-nine dollars, and seventy-eight cents: for the salaries of the officers of the Mint, from the first day of July to the thirty-first day of December, one thousand seven hundred and ninety-two, two thousand six hundred and ninety-four dollars, and eighty-eight cents: for the salary of the following officers of the Mint, for the year one thousand seven hundred and ninety-three; Director, two thousand dollars; the Assayer, fifteen hundred dollars; the Chief Coiner, fifteen hundred dollars; the Engraver, twelve hundred dollars; the Treasurer, twelve hundred dollars; three clerks, five hundred dollars each, fifteen hundred dollars: for defraying the expenses of workmen, for the year one thousand seven hundred and ninety-three, a sum not exceeding two thousand six hundred dollars: for defraying the expenses of bringing to the Seat of Government, the votes of the Electors in the several States, for President and Vice President, a sum not exceeding one thousand four hundred and ninety-nine dollars: for discharging the claim of Return Jonathan Meigs, and the legal representatives of Christopher Greene, the sum of four hundred dollars: for the pay, subsistence, and forage, due to Winthrop Sargent, as Adjutant General to the troops late under the command of General St. Clair, five hundred and sixty-nine dollars and forty-five cents: for paying Dunlap and Claypoole, for printing performed under the direction of a committee of the Convention of the United States, four hundred and twenty dollars: for defraying certain extra expenses of the Doorkeeper of the House of Representatives, and for clerk-hire, and allowance to witnesses attending the late commit-

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tee appointed to inquire into the failure of the expedition under General St. Clair, four hundred dollars: for paying the principal clerk to the Secretary of the Senate, for his services, from the first of July to the fourth of November, one thousand seven hundred and ninety-two, one hundred and twenty-seven days, at three dollars per day, three hundred and eighty-one dollars: for paying the same clerk for his services, for six months, over and above his former allowance, five hundred and forty-seven dollars and fifty cents: for six months additional pay to the engrossing clerk, three hundred and sixty-five dollars: for extra services of the Doorkeeper, during the present session, ninety-one dollars and fifty cents: for defraying the expense attending the stating and printing the public accounts, in pursuance of the order of the House of Representatives, of the thirtieth of December, one thousand seven hundred and ninety-one, a sum not exceeding eight hundred dollars: for paying the account of the Trustees of Wilmington Public Grammar School and Academy, two thousand five hundred and fifty-three dollars and sixty-four cents: to make good so much deficient in the appropriation of the year one thousand seven hundred and ninety-one, for defraying the expenses of light-houses, beacons, buoys, and public piers, a sum not exceeding nine hundred and fifty-five dollars and sixty-six cents: for building

a light-house on Montauk point, a sum not exceeding twenty thousand dollars: for completing the light-house on Baldhead, at the mouth of Cape Fear river, two thousand dollars: for the salaries of clerks, not exceeding three, to be employed in the office of the Commissioner of the Revenue, at the rate of five hundred dollars per annum, fifteen hundred dollars: for defraying the expense of books and printing, incident to the acts for recording the registering of ships or vessels, and enrolling and licensing vessels employed in the coasting trade, three hundred and fifty dollars.

Approved, March 2, 1793.

An Act making addition to the compensation of certain Public Officers.

Be it enacted, &c., That there be allowed to the Auditor of the Treasury, the sum of five hundred dollars; to the Commissioner of the Revenue, the sum of five hundred dollars; to the Comptroller of the Treasury, the sum of two hundred and fifty dollars, and to the Register of the Treasury, the sum of two hundred and fifty dollars, per annum, in addition to the compensation already allowed to them respectively, to commence on the first day of April next, payable in like manner as the present compensations are payable.

Approved, March 2, 1793.

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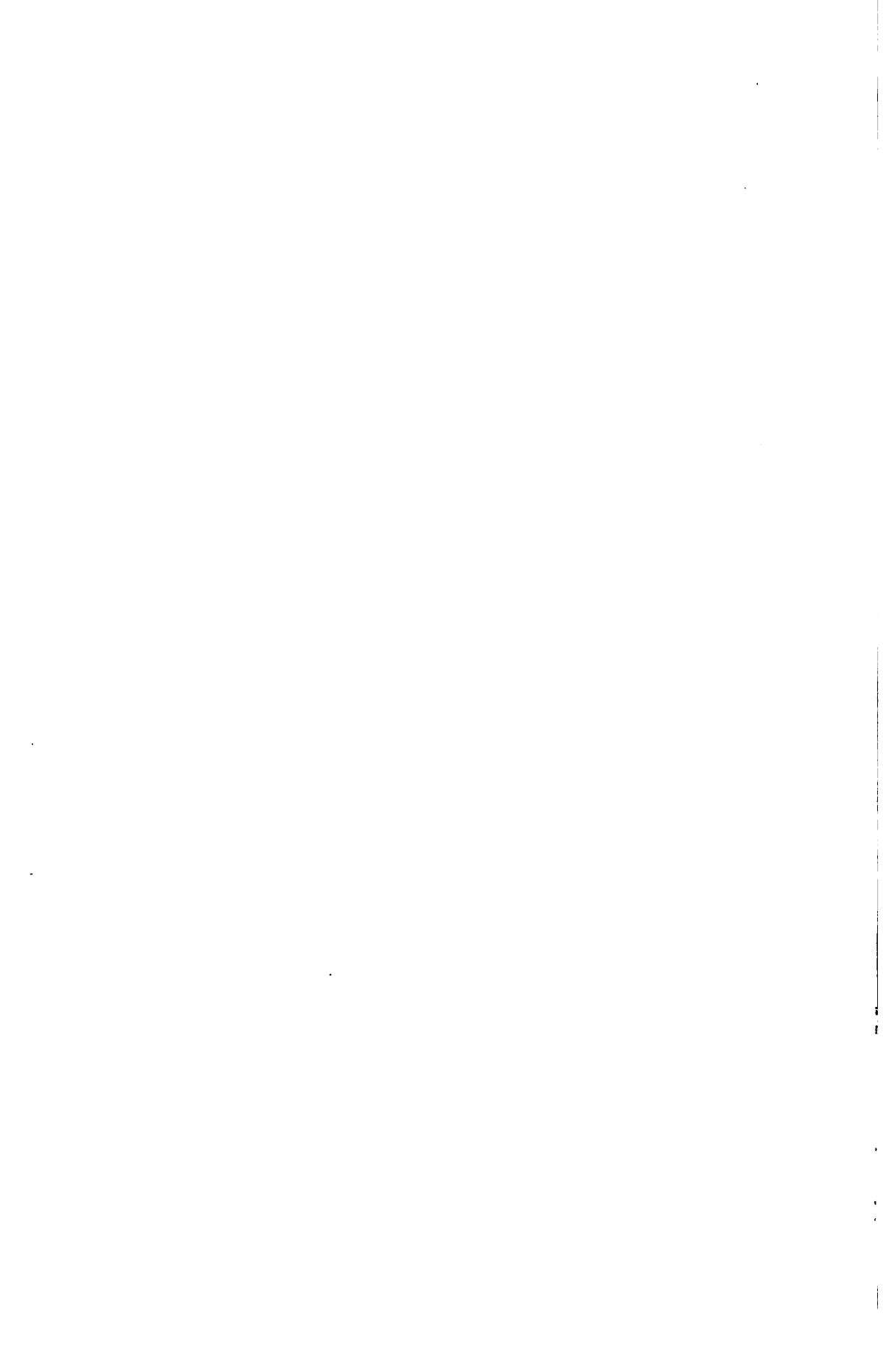
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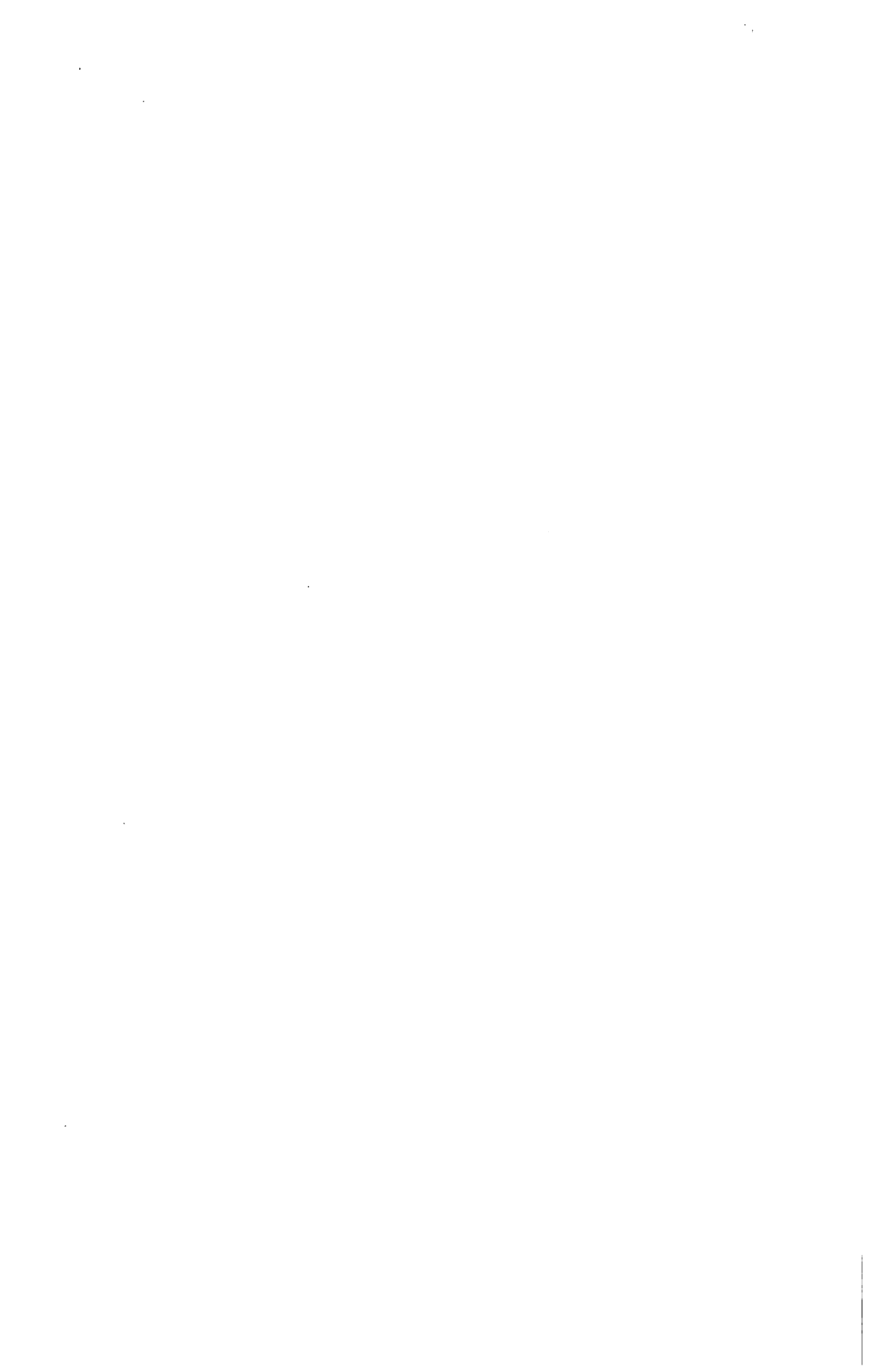
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