

Thursday, April 10.

Mr. Clark's proposition for stopping the commercial intercourse between the United States and Great Britain under consideration of the Committee of the whole—Mr. Sberburne in the chair.

Mr. SEDGWICK'S SPEECH,
(CONCLUDED.)

He said he had yesterday taken the liberty to suggest to the committee certain constitutional considerations. The answers which had been given had by no means been satisfactory. It was incumbent on gentlemen who had so frequently warned us of the danger of usurping power—who had so frequently, and in language so animated, charged us to avoid grasping power by implication, and construction. It was incumbent on those gentlemen, would they preserve consistency of character, clearly to demonstrate the authority which they assumed—that it might not be supposed that their construction of the Constitution was a convenient accommodation to the existing circumstances.

It was not now a question whether the people had made a wise or prudent distribution of the powers of their government. They had declared their will, and that will we were bound by every consideration of honor and duty to execute. In the instrument under which we acted, they had declared, that the President, under certain modifications should be their organ to treat exclusively with foreign powers. This authority thus exclusively delegated, include all the terms on which a treaty could be formed. What was the present measure? Prescribing the terms of treaty, and restraining the constitutional power from treating on any other terms.

If the Legislature could prescribe those terms in this instance, it may then prescribe all the terms in every instance; and of course control in all things the exercise of that power.

To this reasoning two answers have been given, the one by a gentleman from Pennsylvania (Mr. Smilie) that the Legislature might make such a law, because the executive could repeal it. He really could not comprehend the force of the reasoning; he was glad however, he could with perfect confidence contradict the assertion, which he was sure would be a very disgusting one to the people of America.—There was in fact, in no instance an authority given to the executive, to repeal a constitutional act of the legislature.—The other answer was that given by a gentleman from Virginia, (Mr. Nicholas) that there could be no objection to the exercise of this power if it should be assented to by the President and Senate.—This was still a more extraordinary and unsatisfactory answer than the other—it implied that the President and Senate could make grants of power to this House, not contained in the constitution. To this he would answer, that all the powers which the House could legally exercise were expressed in the instrument under which we acted—that those powers could be neither enlarged nor abridged by any man or body of men on earth, but in the way pointed out by the instrument itself.

Mr. Sedgwick said these considerations he had expressed, without any previous preparation as they occurred to his mind. Should gentlemen who viewed the subject in the light he did remain silent, he would in the further progress of this measure, he pledged himself, with more orderly arrangement, and he hoped with more perspicuity, and force, address himself to the consideration of this committee, or of the House.—It would avail little to tell him that his opposition would be unpopular—no man more than himself, wished the good opinion of his countrymen, but no personal inconvenience, no loss of fame or popular affection, should ever induce him to see his country threatened with evils incalculable in number, and duration, without warning her of her danger—A country which he loved, and which he might on this occasion be permitted to say, he had long served with honest fidelity, and without a single instance of sinister or mere personal regard.

For the GAZETTE of the UNITED STATES.

OBSERVATIONS.

The present is an age of Paradoxes; as well as of experiment and revolution.—

Republicans say, that their form of civil government is more propitious, than all others, to the preservation of peace on earth, (how truly is yet to be proved) yet republicans are using every means that cunning, stimulated by wrath, can devise, to plunge their country into a war, without employing previously any prudent means to avoid it:—while others, who are branded as aristocrats, are as zealous in pressing the healing expedients of negotiation.

The men, who spent many days to prove, that we were not strong enough to risk a few broadsides with the petty pirates of Algiers, and, therefore, declared that the arming against them was useless, can hardly afford a few days for consideration, before they would have us rush into a war with Great Britain, the greatest naval power in the world; and before we have a single vessel ready for the sea, fit to engage a sloop of war.

Some men complain that the powers of the executive are dangerously great; and that the public creditors have had their patriotism debauched by dealing too largely in national securities: yet these men are exerting every nerve, to destroy a state of peace, in which alone the Executive (if there be any need of it) may easily be circumscribed, and the public debt extinguished; and urge us to engage in a war, whereby the debt will not only be increased, but the powers of the executive, which have excited such alarm, necessarily be enlarged.

Those, who preach that liberty and equality are the common rights of all men, endeavour to confine the most valuable right of thinking and speaking to themselves, and their associates in opinion;—and to make it criminal to publish a dissenting sentiment.

Those, who declare the warmest friendship for the people of France, and wish them all manner of prosperity, are incessantly encouraging the rulers of that people to proceed, to bury themselves and their country in one common ruin, rather than receive a constitution, which at one time, lately, had almost universal approbation; and thereby put a stop to the dreadful havoc, and desolation, which are pursuing them.

Those, who possess a belief in the christian Religion, as a necessary revelation from God, are, to their utmost, assisting Sceptics and atheists in their attempts to overturn the altars of that Deity, whom themselves adore, and in exterminating their fellow believers.

O! Liberty, thou art a paradox, a composition of paradoxes.

Foreign Intelligence.

NATIONAL CONVENTION, Jan. 8.

Letter from Lacoste and Baudot, representatives of the people with the army of the Rhine and the Moselle, dated Strasburgh, January 3.

"We have been at Spire, citizen colleagues, as we announced in our last. The enemy fly with such rapidity, that it is impossible to overtake them; but if the men escaped, their magazines remain. The canons of Spire have left upwards of 100,000 pitchers of wine in their cellars, and the granary was stocked in adequate proportion. The bishop's houses were full of forage, brandy and all kinds of eatables. The most speedy measures are taken to convey all those provisions to Landau. The metals which served to decorate or to compose the monuments of the cathedral, were also carried off, the saints dislodged, 6000 wax tapers unpacked, some cibores and other instruments of folly melted down, and the bells broke, all to the greatest glory of the republic.

"The public chests of the city have been delivered up to the paymaster-general; but they have been visited so often that there hardly remains any thing in them. The custom-house, full of all kinds of merchandize, deposited, as it were, in a place of safety, by the French and foreign aristocrats. This prize, worth one million, shall turn to the profit of the defenders of the country. The rich inhabitants of the palatinate have emigrated: we treat them like the worthless Frenchmen, whose people they have imitated. Our troops have advanced as far as Neustadt and Frankenthal.

"We do not reckon, in the enumeration of the prizes, the small magazines of private persons, which add however to the great mass. Our chief attention is now turned to fill the magazines of the republic at the expence of the enemy.

"The elements agree with us in exterminating the traitors; the Rhine has just swallowed five hundred emigrants who fled from Weissenbourg, to swell the broken army of Condé.

"The municipal officers and the commandant of Lauterbourg dared to demand of us an amnesty for those inhabitants of that

city who followed the infamous Austrians in their flight. We answered by putting them under arrest; and their conduct will be examined in such a manner as to convince the traitors and cowards that they have nothing to expect but death from the republic.

"P. S. This moment, dear colleagues, we receive news of the greatest importance. The famous post of Kaisers Lautern is in our power. Vive la République!"

"The enemy abandoned, at Leimersheim, thirty thousand cwts. of forage; at Germenheim, seventy tons of flour, six thousand sacks of oats, and six thousand sacks of dried vegetables; at Markthal, twelve thousand sacks of oats; at Weissenbourg, fifteen thousand muskets, a great number of sick and dying wounded, whom they inhumanly deprived of the small portion of the provisions they had distributed among them, to support for a few moments their feeble existence; at Lauterbourg, all kinds of ammunition, a great number of muskets, an immense magazine of gun-powder, and thirty thousand blankets; under the glacis of Fort Louis, sixty waggons, with their horses before them. The number of muskets picked up in all parts, amounts to near thirty thousand.

FROM THE LONDON GAZETTE.

Whitehall, January 15.

This morning Sir Sydney Smith and Major Moncrief arrived at the office of the right hon. Henry Dundas, his majesty's principal Secretary of State for the Home Department, with dispatches from Vice-Admiral Lord Hood and Major-General David Dundas, of which the following is a copy.

Toulon, Dec. 18, 1793.

My Lord,

Agreeably to your Lordship's order, I proceeded with the swallow Tender, three English and three Spanish gun boats, to the Arsenal, and immediately began making the necessary preparations for burning the French ships and stores therein.—We found the Dock Gates well secured by the judicious arrangements of the Governor, altho' the Dock Yard people had already substituted the three coloured cockade for the white one. I did not think it safe to attempt the securing of them, considering, that contest of any kind, would occupy our whole attention, and prevent us from accomplishing our purpose.

The Galley Slaves, to the number of at least 600, viewed themselves jealous spectators of our operations: Their disposition to oppose us was evident; and being unchained, which was unusual, rendered it necessary to keep a watchful eye on them on board the galley, by pointing the guns of the Swallow Tender and one of the Gun Boats on them, in such a manner as to enfilade the quay on which they must have landed to come to us, affuring them, at the same time, that no harm should happen to them if they remained quiet. The enemy kept up a cross fire of shot and shells on the spot from Malbouquet, and the neighbouring hills, which contributed to keep the Galley Slaves in subjection, and operated in every respect, favorably for us, by keeping the Republican party in the town within their houses, while it occasioned little interruption to our work of preparing and placing combustible matter in the different store houses, and on board the ships; such was the steadiness of the few brave seamen I had under my command. A great multitude of the enemy continued to draw down the hill towards the Dock Yard wall, and as the night closed in, they came near enough to pour in an irregular tho' quick fire of musquetry on us from the Boulangerie, and of cannon from the heights which overlook it.

We kept them at bay by discharges of grape shot from time to time, which prevented their coming so near as to discover the insufficiency of our force to repel a closer attack. A Gun Boat was stationed to flank the wall on the outside, and two field pieces within against the wicket usually frequented by the workmen, of whom we were particularly apprehensive. About eight o'clock I had the satisfaction of seeing Lieut. Gore towing in the Vulcan fire-ship. Capt. Hare, her commander, placed her agreeably to my directions, in a most masterly manner, across the Tier of men of war, and the additional force of her guns and men diminished my apprehensions of the Galley Slaves rising on us, as their manner and occasional tumultuous debates ceased entirely on her appearance. The only noise heard among them was the hammer knocking off their fetters, which humanity forbade my opposing, as they might thereby be more at liberty to save themselves on the confagra-

tion taking place among them. In this situation we continued to wait most anxiously for the hour concerted with the Governor for the inflammation of the Trains. The moment the signal was made, we had the satisfaction too to see the flames rise in every quarter. Lieutenant Tupper was charged with the burning of the General Magazines, the Pitch, Tar, Tallow and Oil Store-houses, and succeeded most perfectly; the Hemp Magazine was included in this blaze: Its being calm was unfortunate to the spreading of the flames, but 250 barrels of Tar divided among the Deals and other timber, insured the rapid ignition of that quarter which Lieutenant Tupper had undertaken.

The Malt-house was equally well set on fire by Lieut. Middleton, of the Britannia, Lieut. Pater, continued in a most daring manner to brave the flames, in order to complete the work where the fire seemed to have caught imperfectly. I was obliged to call them off, lest his retreat should become impracticable: his situation was the more perilous, as the enemy's fire redoubled as soon as the amazing blaze of light rendered us distinct objects of their aim. Lieutenant Ironmonger, of the Royals, remained with the Guard at the Gate till the last, long after the Spanish Guard was withdrawn, and was brought safely off by Captain Edge, of the Alert, to whom I had confided the important service of closing our retreat and bringing off our detached parties, which were saved to a man. I was sorry to find myself deprived of the further services of Capt. Hare: He had performed that of placing his fire-ship to admiration, but was blown into the water, and much scorched, by the explosion of her priming, when in the act of putting the match to it. Lieutenant Gore was also much burnt, and I was consequently deprived of him also, which I regretted the more, from the recollection of his bravery and activity in this warm service.

The guns of the fire-ship going off on both sides as they heated, in the direction that was given them, towards those Quarters from whence we were most apprehensive of the enemy forcing their way in upon us, checked their career. Their shouts and Republican Songs, which we could hear distinctly, continued till they, as well as ourselves, were in a manner thunderstruck by the explosion of some thousand barrels of Powder on board the Iris Frigate, lying in the Inner Road, without us, and which had been injudiciously set on fire by the Spanish Boats, in going off, instead of being sunk, as ordered. The concussion of air, and the shower of falling timber on fire, was such as nearly to destroy the whole of us. Lieutenant Pater, of the Terrible, with his whole Boat's Crew, nearly perished; the boat was nearly blown to pieces, but the men were picked up alive. The Union Gun Boat, which was nearest to the Iris, suffered considerably, Mr. Young being killed, with three men, and the vessel shaken to pieces. I had given it in charge to the Spanish officers to fire the ships in the Basin before the town, but they returned, and reported that various obstacles had prevented their entering it. We attempted it together, as soon as we had completed the business in the Arsenal, but were repulsed in our attempt to cut the boom by repeated Volleys of Musquetry from the Flag ship and wall of the Battery Royale. The cannon of this battery had been spiked by the judicious precaution taken by the Governor, previously to the evacuation of the Town.

The failure of our attempt on the ships in the Basin before the town, owing to the insufficiency of our forces, made me regret that the Spanish gun boats had been withdrawn from me to perform other service. The Adjutant Don Pedro Cotiella, Don Francisco Rigueme, and Don Francisco Trufello remained with me to the last, and I feel bound to bear testimony of the zeal and activity with which they performed the most essential services during the whole of the business, as far as the insufficiency of their force allowed it, being reduced by the retreat of the gun boats, to a single Felucca, and a mortar-boat which had expended its ammunition, but contained 30 men with cutlasses.

We now proceeded to burn the Hero and Themistocle two seventy four gun ships, laying in the inner road. Our approach to them had hitherto been impracticable in boats as the French prisoners who had been left in the latter ship were still in possession of her, and had shewn a