

The Gazette.

PHILADELPHIA,
FRIDAY EVENING, July 7.

THE model Mr. Bache, in his paper of this morning, has, with his usual regard to Deceit and Truth, endeavored to impress a belief that the desisted Jacobin, BLOUNT, of the "virtuous" minority in the Senate, is one of the "British faction"; as this Retailer of Sedition denigrates the friends of their country in the administration of the Government.

BLOUNT was, indeed, "one of the late President's officers"; and like ALL who were selected from the party to which he ever belonged, he has given evidence that those who oppose the free government of their country, and its administration, are unshaken by Moral considerations. To oppose, thwart, misrepresent, and defame a government, resting on Confidence alone, thereby to destroy this confidence, has been a game as often repeated as free governments have been destroyed. The late President, seduced by his own consciousness of integrity, and misled by the hypocritical pretensions of the Antifederalists, to superior attachment to liberty, the constant use of disorganizers, appointed too many of them to offices of importance. And what have been the returns? While he continued in office, they constantly endeavored to excite opposition, by misrepresentation and falsehood—their malignity has followed that father of his country to his hallowed retirement. And this friend of General Washington, as the honest Bache wishes he should be believed, endeavors, by casting "all the blame on the late President", to give himself consequence, by exciting the savages against our country. O shame! when wilt thou restrain the votaries of sedition?

This infamous transaction is, at present veiled, in some degree, with mystery. When the whole of the President's communications shall be published, it will be obvious, that the objects of the traitorous combination were not confined to its application to the British Minister, but that that application itself was designed to produce effects which should defeat the execution of our treaty with Spain, and it has, so far, at least for the present, succeeded. The probability is, that the principal agent, Blount, was an instrument in the hands of wily Frenchmen. That it was hoped the bait would succeed as it respected Great Britain, and thereby involve us in hostility with that country; and for this it is probable they relied upon our prejudices against that nation—At any rate, it was believed, that it could not fail to excite fear and jealousy in the Spanish government, and probably might facilitate the cession of territory to France, of which we have heard so much, and which we know is so ardently desired.

Respecting Mr. Blount, it is a fact well known, that he has invariably attached himself to the opposers of the administration—that on no national question has he ever voted with its friends—that his personal associations during ever been consonant with his votes—that during the last winter his house was the rendezvous of those who were canvassing for the election of the Correspondent of Marquis to the Presidency—that there has been a constant and open intimacy between him and the French and Spanish agents here; and it is believed that he is not even personally known to the British Ministers, but that all his applications to him were made by other men and in other names.

Justice demands that it should be added, that Mr. Liffon gave no encouragement to the proposals, but repressed the first advances; and that in his official communications, the reasons which influenced him in declining, produced a rejection of the project by the British administration.

July 6.

COMMUNICATIONS.

That pure and incorruptible patriot, the Editor of the Aurora, in order to raise a dust to cover the ignominious flight of one of his faction, and divert the public attention from the object to which it ought, and nevertheless will be directed, viz. the unfitness of the pretended patriot—has with his accustomed candor, attempted to pass on the public a bare misrepresentation respecting the British minister. No other refutation is necessary, than the publication of Mr. Liffon's letter. One thing in Bache's statement is remarkable. "What are we to think (says he) of those Americans, who have been so familiar in fawning with him," (the British minister.) Hah! it is something suspicious then, to be on a familiar footing with an ambassador! Those who know that Bache never made love to all the French ministers that have come to America since their revolution; that his house was not open to and frequented by them, and they by him at all hours, and particularly at midnight—will at once perceive the peculiar propriety with which a remark of this kind comes from him.

Men of glass! throw no Bones.

It is believed that this Month's Piece of the Jacobin Faction is father confessor and privy council to most of the lesser gudgeons among the Representatives of France in an American Council of One Hundred.

The sublime Theory of the celebrated Franklin realised.

MR. MAISON, desirous to shew his gratitude to the respectable Companies who do him the honor to be present every evening at the Philosophical and Mechanical Experiments, executed by three artificial persons, informs the lovers of arts and sciences, that THIS EVENING, the 9th inst. there will be a surprising addition to the Philosophical Experiments, which are to be executed by the artificial Lady: after having fired the Cannons de Volta, melted metals through means of her inflamed breast, &c. &c. she will direct the electric fire on a building, which, being provided with a pointed conductor, will remain perfectly safe, but having applied a metallic ball to the point, a second stroke of the electric fire will fall on the same, and destroy it instantaneously.

This discovery alone is sufficient to insure to the celebrated Franklin an undoubted right to the gratitude of the public: it is in the country of this great man that an European Philosopher (who already at Paris obtained marks of his esteem) will repeat this beautiful experiment, before his worthy fellow citizens, in order to celebrate and honor the memory of his author.

The experiments will continue every Monday, Wednesday, and Friday evenings, at 8 o'clock precisely, in the dancing-room of Mr. M'DONOGAL, in Fourth-street, between Chestnut and Walnut-streets, and will be varied and augmented. Entrance half a dollar—Children, one quarter of a dollar.

July 7.—mwt&tf



LAWS OF THE UNITED STATES.

Published by Authority.

FIFTH CONGRESS OF THE UNITED STATES.

AT THE FIRST SESSION, Begun and held at the City of Philadelphia,

in the State of Pennsylvania, on Monday, the fifteenth day of May, one thousand seven hundred and ninety-seven.

An Act for reviving and continuing Suits and Process in the Circuit Court for the District of North-Carolina.

WHEREAS, a sufficient quorum of judges did not attend to hold the circuit court, for the district of North-Carolina, for the purpose of doing business in June term, one thousand seven hundred and ninety-seven, in consequence whereof, certain provisions are now become necessary and expedient, to prevent a failure of justice in the said court.

Section 1. *BE it therefore enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, 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 causing persons to be summoned to serve as jurymen at the said court, at the term to commence the thirteenth day of November next, as has been before issued by the clerk of the said court for the like purpose, returnable to June term, one thousand seven hundred and ninety-seven; that the persons ordered by the said process to be summoned for the said purpose, shall be ordered to be summoned in the same proportion, and from the same counties, as those persons who were ordered to be summoned for the like purpose, by process returnable at June term, one thousand seven hundred and ninety-seven: Provided, that if it shall appear expedient to the said district judge, that a different time of notice shall be prescribed, than that hitherto prescribed, he may cause such other time of notice to be directed to be given, as to him shall appear most conducive to justice, and convenient to the persons to be summoned: And the marshal is hereby directed to execute the said process, so to be issued; and the persons who shall be legally summoned to attend as jurymen, in consequence thereof, are hereby required to attend the said court, under the like penalties for disobedience, as if the said process had been ordered to be issued by the said court, in the ordinary method of proceeding; and the marshal and the persons who shall attend as jurymen, in virtue of the said process, so to be issued, shall be entitled to the like allowances for their services, respectively.*

Section 2. *And be it further enacted, 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 for the purpose of business in June term, one thousand seven hundred and ninety-seven, and continuances had been regularly entered, of all suits and proceedings of the said term, in which they were depending, in the usual manner of proceeding, as the case might be.*

Section 3. *And be it further enacted, That all writs and other process sued out of the clerk's office of the said circuit court, according to the accustomed method, bearing test in November term, one thousand seven hundred and ninety-six, or June term, one thousand seven hundred and ninety-seven, shall be held and deemed of the same validity and effect as if the term of June, one thousand seven hundred and ninety-seven, had been regularly held by a judge or judges competent to do business, and continuances in respect to suits or other process returnable to the last mentioned term, had been regularly entered.*

JONATHAN DAYTON, Speaker of the House of Representatives.
THOMAS JEFFERSON, Vice President of the United States, and President of the Senate.
Approved, July 5, 1797:
JOHN ADAMS, President of the United States.
Deposited among the Rolls in the Office of the Department of State.
TIMOTHY PICKERING, Secretary of State.

An Act to continue in force, to the end of the next Session, certain Acts, and parts of Acts, of limited duration.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all laws of the United States, and parts of laws now in force, and which, by the terms of their limitation, will expire with the end of this session of Congress, shall be, and hereby are continued in force, until the end of the next session.

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CONGRESS.

HOUSE OF REPRESENTATIVES,
MONDAY, July 3.

Mr. W. SMITH, proposed a resolution, appropriating a sum of money for erecting goals in those States, in which there are not sufficient ones at present, for containing the prisoners of the United States.

This proposition was opposed on the ground of its being no way connected with the present session, and negatived without a division.

The bill for laying a stamp duty was read a third time, and the blanks filled up, viz. that for fixing the time of the act's taking effect, with the 31st day of December next—the fine and imprisonment for counterfeiting stamps, &c. with 1000 dollars and 7 years imprisonment; and the time for which the duration of the act was limited, with five years.

The yeas and nays upon the passing of the bill were as follow:

YEAS.
Messrs. Allen, Bayard, Brookes, Cochran, Coit, Craik, Dana, Davenport, Dennis, Dent, Evans, A. Foster, D. Foster, J. Freeman, Gillespie, Glenn, Goodrich, Gordon, Griswold, Hanna, Harper, Hartley, Hindman, Holmes, S. Lyman, Mahair, Matthews, Morgan, Morris, Otis, Potter, Reed, Rutledge, Schureman, Sewall, Shepard, Siniackion, Sitgreaves, J. Smith, N. Smith, W. Smith, (Charles,) Thatcher, Thomas, Thompson, Van Alen, Wadsworth, J. Williams—47.

YEAS.
Messrs. Baer, Baldwin, Baird, Benton, Blount, Bryan, Burgess, Cabell, Champin, Claiborne, Clopton, Clay, Davis, Dawson, Elmendorf, Fowler, Gallatin, Havens, Holmes, Jones, Livingston, Locke, Lyon, Macon, M'Clouchan, M'Dowell, Milledge, New, Nicholas, Parker, Skinner, W. Smith, (P.) Spiggy, Standford, Sumpter, A. Trigg, J. Trigg, Van Cortlandt, Varnum, Venable, R. Williams—41.

Mr. GALLATIN moved the order of the day on the bill making additional appropriations for the year 1797.

The house accordingly went into a committee of the whole on this subject, and the blanks of the bill were filled.

The first five items were agreed to without objection. On Mr. W. Smith's proposing to fill the 6th item with 60,000 dollars,

Mr. NICHOLAS, called for the reading of the particulars which composed this sum. They consisted of the salary and outfits of Ministers to France; to Prussia, and to the Barbary powers. Mr. N. wished the sum mentioned to be for the Minister of Berlin, viz. 135,000 dollars to be deducted from the 60,500, as he knew of no possible use that a Minister to Berlin could be of. He thought the present extension of foreign intercourse was far too great; he wished much to see it narrowed, and struck it would be done at the next session, as the law on that subject would then expire. He wished, therefore, to reduce this sum, in order to to show their wish to have the business of foreign intercourse circumscribed. He moved to fill the blank with 47,000 dollars.

Mr. HARPER thought it was too late for the gentleman to talk in this manner, because a sum of money had uniformly been appropriated for the purpose of foreign intercourse. It was extraordinary, therefore, that at this day, if there were no good reasons for it, that they should now be called upon to depart from their usual practice. He hoped it would not meet with the approbation of the house.

Mr. M'DOWELL was opposed to voting any considerable sum for this purpose. It might have been proper heretofore: but he could see no reason at present for entering into treaties with nations with whom we neither had, nor could have any considerable connection. He wished to pause before they agreed to this measure; because, if agreed to, he expected it would hereafter be produced as a reason why they should extend the business still farther.

Mr. NICHOLAS said, the gentleman from S. Carolina seemed to have mistaken him. He did not propose to strike out anything which had heretofore been agreed to, but what related to a further extension of our foreign intercourse. Of the four northern powers, he thought it was least necessary to have any connection with Prussia; she was in a situation to favor us less than any other power. If a new treaty were entered into with Prussia, he supposed it would be next proposed to have one with Sweden, Denmark and Russia, as we had a much greater commercial connection with those powers than with Prussia. As to their having once agreed to go into this business of foreign intercourse, it was no reason for continuing it after they were convinced the system was injurious to the welfare and happiness of this country.

Mr. W. SMITH said, this motion involved in it a very delicate consideration. They were called upon to vote for a less sum than that estimated, upon the ground that the President had done wrong in sending a minister to Berlin. His colleague was right, when he said this was running counter to established rule. He thought it would be contrary to the spirit of the constitution, because the power of judging of the propriety of sending ministers to foreign countries rested with the President and Senate; but this house conceiving they had made an injudicious exercise of that right, say they will withhold the necessary appropriations; which, he said, would be exercising a power over that branch of government in which the constitution had alone placed the power of doing the business. It was his opinion, that the President having sent a minister to Berlin, they were as much bound to appropriate money to pay the expense, as they were bound to provide for the salary of the President, or of the judges. Some gentlemen, however, thought, that such a situation might exist, as would justify the with-

holding of appropriations. Admitting that there might be such a situation, a question would arise whether it should be done by withholding an appropriation, by impeachment, or by a vote of censure on the President. For if that House were to arrest an appropriation, he supposed the Senate would not suffer the bill to pass without it, and unless they came into the opinion of the Senate, no bill could pass.

He found himself embarrassed in discussing this question, because it was not their province to adduce reasons for sending a minister to any particular place; but he thought if it were desirable we should have a minister at any foreign court, it was that of Prussia; and from the connection which subsisted between that monarch and the French republic, he should have supposed that those gentlemen who wished so much to harmonize with the French Republic, would not have objected to the sending of a minister there.

The treaty we formerly had with Prussia was expired, and he believed that court had requested a renewal of it; the President had also recommended it in his speech at the opening of the session; and there might exist reasons for it which were not proper to be laid before that house. He agreed that *prima facie* there appeared to be a greater propriety for us to enter into treaty with Denmark, Sweden and Russia than with Prussia. We had a treaty with Sweden about to expire; and it was not improbable that the gentleman sent to Berlin, might also be employed in making a treaty with Sweden. If gentlemen had intended to make the present serious opposition to the measure, he thought it would have been more candid to have given notice of the intention, that gentlemen might have been prepared to meet it.

Mr. GALLATIN said, it was rather singular that the chairman of the committee of ways and means should be unprepared to meet any opposition to this measure, since he knew that several members of that committee were opposed to it, and he must therefore have expected that they would have moved to appropriate a less sum. But it appeared as if the gentleman wished to make a very serious question of what he considered as merely incidental, viz. whether they should vote so much money, or a less sum. He believed he should shew it was of little importance.

In relation to the constitution, it was merely said that the President should have power to appoint ministers, ambassadors, &c. but, by the power to appoint ministers, could never be meant that he had the power to send ministers to all the courts of Europe, and to all the principalities of Germany, and call upon that house only in an indirect way to agree to the appropriation. As to the power of appointing ministers, it was a new power given to the Executive by the present constitution. The first Congress took up the subject. They might have said there should be four or six ministers employed. They did not do this; but they declared that the salary of a minister should not exceed 2,000 dollars, nor his outfit a similar sum, nor the whole annual expense 40,000 dollars. By this check they divided the power with the Executive; and if this power were not acted upon, it would have been absurd to have given it to them. He did not look upon the present question as by any means a constitutional one. The President had appointed a minister for Berlin, for reasons best known to himself; and the question betwixt them was, whether the appointment was a proper one.

They had been yearly called upon for additional appropriations for this object: if they thought it necessary to check this spirit for foreign connections, or were determined not to renew the law relative to foreign negotiations, it would be right to agree to the proposed reduction. As to impeachment, or censure, they were out of the question. The President thought a minister to the court in question would be of some use; they thought differently, and that the money would be more valuable. Where was the cause of accusation? It was merely a difference of opinion.

Another collateral argument of the gentleman from S. Carolina, related to what the Senate would do. He did not think it parliamentary to say the Senate would do this or that.

To enforce the propriety of sending a minister to Berlin, the gentleman from S. Carolina had suggested two reasons, viz. the commendation of the President, and the propriety of renewing our treaty. He did not think a renewal of that treaty would be of any advantage to us; nor did he think any gentleman was anxious about it. By that treaty the United States were prohibited from sitting out privateers in any case. But he thought that gentleman had used a strong argument against sending a minister to Berlin. He did not know how far the gentleman was well informed; but if the object of the minister was to prevail upon the king of Prussia to obtain an accommodation for us with France, he thought it would be the worst policy which could be adopted. Such an offer of mediation would not be likely to produce an accommodation. [Mr. S. said he had mentioned this merely as a suggestion of his own, without any authority.]

Another consideration, Mr. G. said, induced him to be in favor of reducing the appropriation, was that the money was altogether unnecessary. He did not suppose the gentleman from S. Carolina wished to appropriate for ministers which had no existence, and the money now asked had been appropriated already in full. It was true it was appropriated for a minister to be sent to Portugal; but none had been sent there, so that the money remained unexpended, and the same gentlemen intended for the former embassy, was now employed on this. The fact was that their appropriations for foreign intercourse were not particularized, but made in gross. There was, therefore, a sufficient sum of money in hand, since the object had merely been changed.

Mr. J. WILLIAMS argued in favor of the larger sum, as it had been usual to appropriate money to pay the expense of any minister which the President (according to the power placed in him by the constitution) thought it necessary to send abroad. He thought it might be attended with bad consequences to withhold the necessary appropriations for this purpose, especially when a minister had already been appointed.

Mr. N. SMITH said this was a subject which had agitated the house ever since the gentleman from Pennsylvania came into the government; as it had been his constant endeavor to swallow up the executive power in that house. For certainly, if that house had the power to appropriate or not to appropriate, to defray, or support the appointment of a minister, at their pleasure, it was certain that the executive was no longer an independent branch of government. Mr. S. said, as he wished to preserve the government pure, he should always bear testimony against such a doctrine. He considered the executive as the sole judge as to the propriety of appointing foreign ministers; and being sole judge, that house had no right to judge over his head, any more than over the head of the judiciary; and whether any one branch of government shall presume to judge over the head of another, there was an end to the purity of our system.

Mr. BALDWIN spoke of the ground upon which he said they determined not to say to the President to what place a minister should be sent, or what quality of minister should be appointed; but what stipulated the quantity of money to be expended. At the time the sum was first enlarged, a particular urgency existed. He looked upon the extension of this power as unfortunate for this country, and he should be against its going farther. The gentleman from Connecticut had therefore disturbed himself unnecessarily, when he thought this doctrine was of recent date; it was certainly as old as the government.

Mr. THATCHER thought the gentleman laid up was mistaken. He did not believe that by confining the expenditure in respect to foreign negotiations to 40,000 dollars, it was meant to trammel the powers of the President; but that the sum was granted because it was thought it would be sufficient for the purpose. He had no idea that they had a right to restrict the President in this respect.

Mr. SEWALL considered this question of so much importance that he could not refrain from delivering his opinion upon it. He insisted upon the constitution being clear in placing the power in the executive, and that the appointment of ministers stood upon the same ground as the appointment of the judges of the federal court. The question, he said, seemed to come to this: Whether the President should obtain an appropriation from that house, before he proceeded to appoint a minister. A doctrine of this kind would be extremely inconvenient, since Congress were only in session at certain periods, whereas it could not be said at what precise time it should be necessary to send a minister to a foreign country. If the President should be guilty of excessive ill conduct, gentlemen would do well to come forward and say he had done wrong; but even in that case, he should be doubtful whether that house would be justified in refusing an appropriation; as it would be necessary to punish the President in a different way: for in refusing the necessary money, the person employed on the embassy would be punished, and not the President.

Mr. GALLATIN wished the gentleman from Connecticut instead of being angry, had attended to the fact which he had stated, viz. that the money asked for was already appropriated. He wished also that he had enquired into the fact whether at any time they had appropriated for the expense of ministers before they expired. If they were found to appropriate, they were not bound to appropriate beyond what was before them. He did not believe that even the gentleman from Connecticut would subscribe to this doctrine.

As to what the gentleman had said relative to what had taken place after he came into that house, he was mistaken altogether. In addition to what had been said to the gentleman from Georgia, he would ask why the law of 1790 was limited for two years, if not meant to check the power of the President? If Congress had been of opinion that they were bound, they would have made a permanent appropriation as in relation to the public debt.

If, because they differed in opinion, they were to charge each other with subverting the government, there would be an end to business. He gave the Constitution a construction which he thought right; that gentlemen, he supposed, did the same, and though in his opinion, his doctrine brought all legislative power into the hands of the Executive, yet he would not charge him with any other than good intentions.

With respect to the judges of the Supreme Court, the President had the power only to appoint them, their number was fixed by the legislature; so that there was a similar check in both cases. He thought the true ground was "the expediency of the business."

Mr. HARPER asked whether that house was possessed of all the information necessary to form a judgment of the propriety of this measure. Could they say with propriety, that a minister ought not to be sent either to Lisbon or Berlin? And if the proposed sum were taken from the appropriation, one of these missions must be given up. Thus to controul the power of the president, in his opinion, would be to destroy a provision of the constitution, and bring the president into a very humiliating situation.

Mr. NICHOLAS said, if the appropriation of money was not vested in their hands for the purpose of exercising their judgment upon the propriety of expence, he could not see the use it was of; but he did believe they had the power of controlling what appeared to them improper expence, and that it was their duty to do so.

The question was put for filling the blank with the larger sum, viz. 60,500 dollars, and carried, there being 50 votes in favour of it.

The 7th, 8th, 9th, 10th, 11th, and 12th, items were agreed without opposition.

On the 5,000 dollars proposed for the hospital department, some debate took place. It was urged by Messrs. W. Smith, and Otis, on the ground of its having been called for by the proper department, and that if it was not expended, the money would be safe in the treasury.

It was opposed by Messrs. Gallatin, Varnum and Macon, as in their opinion unnecessary.