

North Carolina (Mr. Macon), viz. because he did not believe there existed any power in that house to compel any member to wait upon the President with the address; therefore it would be improper to grant an indulgence to a member from doing what there was no obligation upon him to do. He did not recollect the words of the resolution which had been agreed to. [The Speaker repeated them—they were, "that the Speaker, attended by the House of Representatives, shall wait upon the President, &c."] This, Mr. G. said, must be understood in a qualified sense, as the House of Representatives had no existence out of those walls. When the Speaker presented the address, the house was not present; they could not debate, nor do any act as a house; the address was, therefore, strictly speaking, presented by the Speaker, followed by members of the House of Representatives; as he did not conceive the house had any power without the walls of the house. They could, indeed, appoint committees to do business out of doors, but could not call out the members as a body. Upon this ground, he was, therefore, in favour of the previous question.

Mr. Lyon said, understanding the matter in the light in which it had been placed by the gentleman from Pennsylvania, he would withdraw his motion.

The Speaker said the main question was not now under debate, and could not be withdrawn, until the previous question was disposed of. He enquired if the mover were willing to withdraw it.

Mr. Harper hoped not. He should vote in favor of it, not for the reasons offered by the gentleman from Pennsylvania, but that the house might express its sense of such a motion.

Mr. Venable enquired if there were no way of getting rid of the previous question? The Speaker said, he conceived not.

Mr. Macon asked, whether it would not be in order to commit, or postpone it to a day certain?

Mr. Thatcher thought he had known instances where the previous question had been called for, and not taken.

The Speaker replied, then it must have been withdrawn.

The previous question was then put in these words, "Shall the main question now be put?" and it was carried unanimously. No.

Mr. Livingston from the committee of commerce and manufactures, presented a resolution to the following effect:

"Resolved, that all memorials and petitions, which during the second session of the 4th Congress were referred to the Committee of Commerce and Manufactures, and not reported upon, be and the same are hereby referred to the said Committee, for their consideration and report."—Agreed.

The Speaker announced the hour to be arrived, which the President of the United States had appointed to receive the address of the house in answer to his speech, and the Speaker, attended by the members accordingly waited upon the President, at his house, with the address, and the answer, (for which see the Gazette of the United States, of Tuesday and Wednesday.)

The address being presented and the answer received, the Speaker and members returned to the house, the Speaker as usual, read the answer of the President from the chair: after which,

Mr. Harper said, it had been usual, where legislative measures were recommended in the speech of the President of the United States, to refer such parts to select committees. He therefore moved, that the house resolve itself into a committee of the whole on the state of the union, in order to take into consideration the speech of the President.

The Speaker said, the speech had not yet been committed to that committee.

Mr. Harper moved that it be so committed; which being agreed to, he moved that the house now resolve itself into a committee of the whole on the state of the union; which was done accordingly, Mr. Dent in the chair.

Mr. Harper then proposed six resolutions for adoption, to the following effect; which he proposed to be referred to select committees.

1. Resolved, That so much of the speech of the President of the United States as relates to power being given to the President to postpone the meeting of Congress, in certain cases, be referred to a select committee, to report by bill or otherwise."

2. That so much as relates to the protection of commerce, be referred, &c."

3. "That so much as relates to the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States, be referred, &c."

4. "That so much as relates to a provision for the fulfilment of the 6th article of the treaty between the United States and Great Britain, be referred, &c."

5. "That so much as relates to the reimbursement of certain advances made by the consuls of the United States, be referred, &c."

6. "That so much as relates to the revision, and amendment, in certain particulars, of the act relative to consuls, be referred, &c."

The two first resolutions were agreed to without objections. On reading the 3d.

Mr. Nicholas said, he did not think they were ripe for going into this business. It was usual, when the President alluded to facts in his speech, which he proposed in the course of the session, to give further information upon, to wait for that information before they proceeded to act upon them. He thought this would be best in the present case.

Mr. Harper did not recollect that the President referred to any particular documents on this subject. If a committee were appointed, they would of course enquire into the facts, and report accordingly.

Mr. Nicholas said, the mover himself seemed to be at a loss for facts, and that they would have to apply to the President for them. He thought it would be more re-

spectful to wait for the communications which would of course be made to the House than to employ a committee to make the enquiry.

Mr. Harper said the President had told them, as a fact, that such attempts had been made. [Mr. H. read an extract from the speech.] To postpone the appointment of a committee, therefore, in order to wait for further communications, would be to say they did not believe the fact. Before the President had made the assertion, he would doubtless be well assured of the truth of it. But he would observe, that if no such attempts had been made, they were not unlikely to be made, and the law recommended on that ground, was very desirable. It was well known that the ordinary course of law will not go into that territory; there must be a distinct and particular legislative power for the purpose. Admitting, therefore, that the President has been misinformed, the law could do no harm, but might prevent the evils complained of.

Mr. Sitgreaves observed, that the gentleman from Virginia, (Mr. Nicholas) was very correct in saying, that it was usual to wait for the promised communications of the Executive Department, before they proceeded to act upon any business recommended by the speech; but it must also be recollected, that the file of this resolution was different from that heretofore used. It was customary to say, on these occasions, "Resolved, that it is expedient to do so and so," which they could not do, until evidence was before them; but this committee being differently formed, there was not that necessity, and when the communication was made, it would of course be referred to the committee now proposed to be appointed.

Mr. Dayton (the Speaker) said, that the law recommended by the President of the United States to be passed, was to give better effect to the measures already taken to counteract the attempts of foreign agents upon the Indian nations. Before a law could be passed to give effect to these measures, it was necessary, therefore, they should be laid before them; and, if a committee were now appointed, they would of course have to look back to the House for information.

Mr. Baldwin thought there was another reason for deferring the business. He thought there was a law intimately connected with this subject which expired in the spring (of which they should have notice from the committee of revision if it was so) and of which this provision might make a part. He saw no inconvenience which could arise from letting this subject lie over for a time.

Mr. Macon said, if the gentleman from S. Carolina would consent to let this matter be passed over, the House might proceed upon those objects upon which there seemed little difference of opinion.

Mr. Brookes saw no impropriety in referring the business to a select committee; for, if it were referred, it did not follow that they were obliged immediately to act upon it. The crime, he said, was identified.—If the committee were appointed, and the President had communications to make upon the subject, it would have a tendency to procure more early information than might otherwise be obtained. He thought this resolution as proper for commitment as any other.

The question for agreeing to the resolution was put and carried, 44 to 32.

The remainder of the resolutions were agreed to, the committee rose, and the house took them up.

The three first resolutions were agreed to in the House without debate. On the 4th being read,

Mr. Sitgreaves said that this resolution ought to go to the committee of Ways and Means, as coming directly within their province; but at present, he believed, no such committee had been appointed.

Mr. Harper thought it might with propriety be referred to a select committee, as it embraced other objects besides providing money.

Mr. Venable was of opinion it would be best to postpone this business to a distant day. He did not know that any decision had yet taken place, and therefore there was no necessity for the resolution at present.

Mr. Sitgreaves was not willing to agree to a postponement to a distant day; but thought it would be best referred to the committee of Ways and Means, as it was necessary they should have the whole of the demands against the country before them. He moved, therefore for a postponement to this day two weeks.—Agreed.

The remaining resolution being agreed to, and the latter referred to the committee of the whole to whom was referred the acts relative to American seamen.

Mr. Sitgreaves observed, there was a very important matter in the speech yet untouched. He therefore, proposed the following resolution:

"Resolved, that so much of the speech as relates to Foreign vessels sailing under forged American papers, be referred to the Committee of Commerce and Manufactures."—Agreed.

Mr. Livingston moved for the order of the day on the report of the committee appointed to enquire into the operation of the act for the relief and protection of American seamen; which being agreed to, the house resolved itself into a committee of the whole and the report having been read, three resolutions were agreed to, viz. one directing the Secretary of State to lay before the house an abstract of all the returns made to him by the Collectors of the several ports, and such accounts as he may have received from our agents in foreign ports; another for allowing cents per day to every sick seaman in a foreign port, and a sum for their transportation home; and another directing that a certain deduction shall be made from the wages of the seamen, for the maintaining of the sick and disabled, and for the support of an hospital. The house having concurred in these resolutions, and appointed a committee for carrying them into effect,

Mr. Sitgreaves moved that the gentleman from Pennsylvania be appointed a committee of the whole on the report of the petition of Smith and Vesey—which being agreed to, Mr. Dent took the chair, and the business was proceeded with.

This petition was presented during the last winter session, and then reported upon. The petitioners state, that they were agents for the French privateer schooner *Leo*, capt. Harmand; that the said privateer sent into the port of Charleston, an English prize ship, called the *Amity*, with a cargo consisting of sugar and rum, which was duly entered in the custom house, on the 12th of April, 1793; that they proceeded, on the 12th of the same month to the sale of the cargo, when they were prohibited from selling by a libel issued from the court of Admiralty; that on the 21st of the month, an injunction was granted by the district court to stop the sale altogether, as contrary to the treaty concluded with Great Britain; that the said ship *Amity* being in a very leaky condition, they obtained permission from the collector to land the cargo; that by a survey afterwards held on the ship, she was condemned as not sea worthy. In consequence application was made at the custom house, for leave to re-export the cargo in neutral bottoms, as French property, which permission was at first refused, but afterwards granted; but that in the mean time, by the fire which laid waste a great part of Charleston, the 13th of June last, 52 hogheads and 2 tierces of sugar were totally consumed; whereas, the collector ordered the rum, part of the cargo of the ship *Amity*, to be sold to secure the duties on the sugar thus consumed by fire. The petitioners pray for relief by a restoration of the duties thus collected from them.

The committee of commerce and manufactures are of opinion, that this case must be considered as one for which no provision had been made by law, but as analogous to that of wreck; that the cargo was supposed to be landed only in consequence of the alleged disability of the ship, and that as no sale of the cargo could be made, within the United States, no duties ever could have been collected from it; so as the destruction of the sugar by fire, not having altered the original ground on which they were suffered to be landed: to wit, merely in transitu, until the ship could be repaired or the goods re-exported, the duties ought to be refunded. Whereupon they recommended to the House to adopt the following resolution:

"Resolved, That a committee be appointed to bring in a bill to grant relief to the petitioners, according to the prayer of their petition."

The above resolution was agreed to with a trifling alteration. The house took it up, agreed to it, and appointed a committee to bring in a bill.

Mr. Dent, on application, was excused from serving on the committee of commerce and manufactures (being already upon two other committees) and Mr. S. Smith was appointed in his place.

On motion of Mr. Otis, the petition of Wm. White was referred to the committee of commerce and manufactures.

Adjourned.

The Gazette.

PHILADELPHIA, THURSDAY EVENING, NOVEMBER 20.

Extract from the Charge of Chief Justice M'Kean, to the Grand Jury, Nov. 27.

"Before I conclude, I am sorry to have occasion to mention, that there is another crime, that peculiarly concerns the judges of the supreme court to endeavor to correct, it is that of LIBELLING. I will describe it at large.

Libels or libellous pamphlets, taken in the most extensive sense, signify any writings, pictures, or the like, of an immoral or illegal tendency; but in the sense we are now to consider them, are malicious defamations of any person, and especially of a magistrate, made public either by writing, printing, signs, or pictures, in order to provoke him to wrath, or to expose him to public hatred, contempt or ridicule.

The direct tendency of these libels is the breach of the public peace, by stirring up the objects of them, their families and friends to acts of revenge, and perhaps of bloodshed; which it would be impossible to restrain by the severest laws, were there no redress from public justice for injuries of this kind, which, of all others, are most sensibly felt; and which, being entered upon with coolness and deliberation receive a greater aggravation than any other scandal or defamation, continue longer, and are propagated wider and farther. And where libels are printed against persons employed in a public capacity, they receive an aggravation, as they tend to scandalize the government, by reflecting on those who are entrusted with the administration of public affairs, and thereby not only endanger the public peace, as all others do, by stirring up the parties immediately concerned to acts of revenge, but have also a direct tendency to breed in the people a dislike of their governors, and incline them to faction and sedition.

Not only charges of a heinous nature, and which reflect a moral turpitude on the party, are libellous, but also such as set him in a scurrilous ignominious light: for every person desires to appear agreeable in life, and must be highly provoked by such ridiculous representations of him, as tend to lessen him in the esteem of the world, and take away his reputation, which to some men is more dear than life itself, for these equally create ill-blood, and provoke the parties to acts of revenge, and breaches of the peace.

A defamatory writing expressing only one or two letters of a name, or using such descriptions and circumlocutions, feigned names or circumstances, in such a manner, that from what goes before, and follows after, it must needs be understood to signify such a person in the plain, obvious and nat-

ural construction of the whole, is as properly a libel, as if it had expressed the whole name at large; for it brings the utmost contempt upon the law, to suffer its justice to be eluded by such trifling evasions; and it is a ridiculous absurdity to say, that a writing, which is understood by every the meanest capacity, cannot possibly be understood by the courts and juries.

It is equally ridiculous and absurd to suppose that if a man speaks slanderous or defamatory words of another, he may be sued, and ample damages recovered for the injury, but if the same words are put in writing or printed, no punishment can be inflicted. Such a doctrine may gratify the wishes of envious and malicious cowards and assassins, but must be detested by all sensible and good men.

These offences are punishable either by indictment, information or civil action: but there are some instances where they can be punished by a criminal prosecution only; as where the United States in congress assembled, the legislature, judges of the supreme court, or civil magistrates in general are charged with corruption, moral turpitude, base partiality, and the like, when no one in particular is named.

By the law of the twelve tables at Rome, libels which affected the reputation of another, were made capital offences; but before the reign of Augustus, the punishment became corporal only. Under the Emperor Valentinian, it was again made capital, not only to write, but to publish, or even to omit destroying them. But by the laws of Pennsylvania, the authors, printers, and publishers of a libel are punishable by fine, and also a limited imprisonment at hard labour and solitary confinement in goal, or imprisonment only, or one of them, as to the court in discretion shall seem proper, according to the heinousness of the crime, and the quality and circumstances of the offender.

Any libeller, or person even speaking words of contempt against an inferior magistrate, as a justice of the peace or mayor personally, tho' he be not then in the actual execution of his office, or of an inferior officer or justice, as a constable and such like, being in the actual execution of his office, may be bound to his good behaviour by a single justice of the peace.

By this law and these punishments, the liberty of the press (a phrase much used but little understood) is by no means infringed or violated. The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter, when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this, is to destroy the freedom of the press; but if he publishes what is improper, mischievous or illegal, he must take the consequence of his temerity. To punish dangerous or offensive writings which, when published, shall on a fair and impartial trial be adjudged of a pernicious tendency, is necessary for the peace & good order, of government and religion;—the only solid foundations of civil liberty.—Thus the will of individuals is still left free, the abuse only of that free-will is the object of legal punishment. Our presses in Pennsylvania are thus free. The common law, with respect to this, is confirmed and established by the constitution itself. By the 7th sect. of the declaration of the principles of a free government, &c. it is ascertained, "that the printing presses shall be free to every person, who undertakes to examine the proceedings of the Legislature, or any part of government." Men, therefore, have only to take care in their publications, that they are decent, candid and true; that they are for the purpose of reformation, and not of defamation; and that they have an eye solely to the public good. Publications of this kind are not only lawful but laudable. But if they are made to gratify envy or malice, and contain personal invectives, lawlessness, or slanderous charges; they can answer no good purposes for the community, but on the contrary, must destroy the very ends of society. Were these to escape with impunity, youth would not be safe in its innocence, nor venerable old age in its wisdom, gravity, and virtue? dignity and station would become a reproach; and the fairest and best characters, that this or any other country ever produced, would be vilified and blasted, if not ruined.

If any person, whether in a public or private station, does injury to an individual, or to the society, ample redress can be had by having recourse to the laws, and the proper tribunals, where the parties can be heard personally, or by counsel, the truth can be fairly investigated, and justice fully obtained: so that there can be no necessity nor reason for securing any one of public or private wrongs in pamphlets or newspapers, or of appeals to the people, under feigned names, or by anonymous scribblers.

Every one who has in him the sentiments of either a christian or a gentleman, cannot but be highly offended at the evenommed scurrility that has raged in pamphlets and newspapers, printed in Philadelphia for several years past, inasmuch, that libelling has become a kind of national crime, and distinguishes us not only from all the states around us, but from the whole civilized world. Our satire has been nothing but Ribaldry and billingsgate: the content has been who could call names in the greatest variety of phrases; who could mangle the greatest number of characters; or who could excel in the magnitude or virulence of their lies. Hence the honor of families has been stained; the highest posts rendered cheap and vile in the light of the people, and the greatest services and virtue blasted. This evil, so scandalous to our government, and detestable in the eyes of all good men, call aloud for redress. To censure the licentiousness is to maintain the liberty of the press.

At a time when misunderstandings prevail between the Republics of the United States and France, and when our general government have appointed public ministers,

to endeavour their removal and restore the former harmony some of the journals and newspapers in the city of Philadelphia have teamed with the most irritating invectives, couched in the most vulgar and opprobrious language; not only against the French nation and their allies, but the very men in power with whom the ministers of our country are sent to negotiate. These publications have an evident tendency not only to frustrate a reconciliation, but to create a rupture and provoke a war between the sister Republics, and seem calculated to vilify, nay to subvert all Republican governments whatsoever.

Impressed with the duties of my station, I have used some endeavours for checking these evils, by binding over the editor and printer of one of them, licentious and virulent beyond all former example, to his good behaviour; but he still perseveres in his nefarious publications; he has ransacked our language for terms of reproach and insult, and for the basest accusations against every ruler and distinguished character in France and Spain, with whom we chance to have any intercourse, which it is scarce in nature to forgive; in brief, he braves his recognition and the laws. It is now with you, gentlemen of the grand jury, to animadvert on his conduct; without your aid it cannot be corrected. The government that will not discountenance, may be thought to adopt it, and be deemed justly chargeable with all the consequences.

Every nation ought to avoid giving any real offence to another. Some medals and dull jests are mentioned and represented as a ground of quarrel between the English and Dutch in 1672, and likewise caused Lewis the 14th to make an expedition into the United Provinces of the Netherlands in the same year, and nearly ruined that Commonwealth.

We are sorry to find that our endeavours in this way have not been attended with all the good effects that were expected from them; however we are determined to pursue the prevailing vice of the times with zeal and indignation, that crimes may no longer appear less odious for being fashionable, nor the more secure from punishment for being popular.

The criminal law of this state is so pregnant with justice, is agreeable to reason, full of equity and clemency, that even those who suffer by it cannot charge it with rigor. It is so adapted to the common good as to suffer no folly to go unpunished, that requires to be restrained; and yet to tender of the infirmities of human nature, and of the wives and children of even the greatest offenders, as to refuse no indulgence which the safety of the public will permit. It gives the rulers no power but of doing good, and deprives the people of no liberty but of doing evil. We are now (thank God) in the peaceful and full enjoyment of our laws, of the free administration of justice, and in complete possession of religious, civil and political liberty. May the Divine Governor of the world continue those blessings to us, and impress it as a duty which we owe to ourselves who enjoy them; and to those virtuous men, who, under God, have been instrumental in procuring them; and to our posterity who will claim at our hands this noble inheritance, to maintain and defend them at every hazard of life and fortune.

You may now, gentlemen, retire to your room. Inquire with zeal, hear with attention, deliberate with coolness, judge with impartiality, and decide with fortitude.—And may God over-rule and direct all your proceedings to the furtherance of justice and happiness of the people."

COMMUNICATION.

The high estimation in which our free and enlightened citizens hold their political BIRTH RIGHT, the LIBERTY OF THE PRESS, was yesterday evinced to the justice, honor and credit of a respectable Grand Jury.

Died]—On Sunday evening last, after a very short illness, sincerely lamented by a number of very respectable acquaintances and friends, Mrs. Mary Humphreys, wife of Mr. James Humphreys, lately of Shelburne, Nova Scotia, now of this city.

GAZETTE MARINE LIST.

PORT OF PHILADELPHIA.

ARRIVED. DAVE
Ship Birmingham Packet, Hill, Havre 68
Brig Elizabeth, Fullerton, C N No 26

CLEARED.
Ship Clothier, Gardner, Liverpool
George, Rice, Surinam
Brig Minerva, Long, Bilbao
Schr. Sally, Scudder, Norfolk
Sloop Charlotte, Price, New-York
Nancy, Clark, Norfolk
The South Carolina, Garman, is arrived at Charleston from Philadelphia.

The Maria, Sherer, and several other vessels, are arrived in the Delaware.

CLEARED.
New York, Nov. 22.
Ship Moberg, Moore, Amsterdam 86
Brig Peggy, Atkinson, Amsterdam

Capt. Bliss of the brig Bayouac, of this port, from St. Bartholomew, was brought to anchor in Sandy Hook, on Saturday last, by a boat from the English letter of marque schooner *Cleance*, capt. Thomas, who had just sailed from this port, and after a detention of four hours, suffered to come in. Capt. T. informed that he was waiting for several outward bound vessels loading with Spanish property.

The above schooner arrived here on the 27th ult from Dominica, and is the same which captured on her passage, Capt. Nicot, in the schooner *Isabella*, from Surinam to Philadelphia, on suspicion of having Dutch property on-board.

FOR SALE,
Several fonts of Types—half worn.
Including Long Primer about 400 weight, in good condition, and would answer the purpose of a country printer as well as new.
Enquire of the Printer. nov. 30.