

Mr. SITGREAVES did not understand the object which the mover of these resolutions had in view. He knew not whether he meant to confine the operation of his rules to the present House of Representatives only, or to all future houses. From the language of the first resolution, he judged the latter was his intention. As it was his opinion, therefore, that any attempt of theirs to bind future houses would be perfectly nugatory, he should move to strike out the words from, "If it be," to "given" (printed above in italics.) This resolution will then confine the operation of the rule to the elections which may take place during the fifth congress. By the constitution, every house was to judge of the elections and returns of its own members. It was not in the power of any house to prescribe rules for a succeeding one; for this reason, the rules which governed a preceding house, were always revived by the succeeding one. If they were to prescribe rules which were to be binding on future houses, it could only be done by an act of the whole legislature, which would certainly be exceptionable, as it would give to the President and Senate a power over the rules for governing their proceedings, which, by the constitution, they were alone the judges of. He thought his ideas on this subject correct; if they were, he doubted not the motion which he had made would be agreed to.

Mr. HARPER said, if the idea of the gentleman last up was correct, his motion would doubtless be acceded to; though he did not go far enough, because in that case, he should have moved to have struck out the whole clause; because, if the rules proposed were not to have a permanent effect, they would be perfectly nugatory. But he apprehended his friend had not attended to a distinction, which he thought a plain one. It was this, the power to establish rules for the taking of evidence, and that of judging the evidence after it was taken. This house could not say it would admit members under such and such disqualifications, but an agreement to the mode of taking evidence, was very different from the qualifications themselves. It was essentially necessary that legislative and judicial powers should be kept distinct, yet it was not to be an interference with the judicial authority, for the legislature to direct the mode of taking evidence in certain cases. Nothing could be more clear than this distinction. It could not be said, therefore, that because the whole legislature directed the mode of taking evidence in cases of contested election, that the President and Senate interfered with the constitutional direction that every house should be the judge of its own rules. He was of opinion that a law was necessary, and a law of a permanent nature, to which he could see no reasonable objection. He allowed that it would be unconstitutional for the President or Senate to interfere with their rules or elections; but when they came to make a law which was to operate upon the whole community, their interference was necessary and proper. If these ideas were founded, and he thought they were, the proposed amendment would be rejected.

Mr. N. SMITH said the motion now before them, was founded upon an idea that permanent rules could not be made for taking evidence at contested elections. He had frequently heard it said that rules could not be made to be binding any longer than while the house existed which formed them. For himself he never conceived this opinion to be correct. That it was highly important that permanent regulations should be made on the subject in question, every one must admit; it became of importance therefore, to know whether they had the power of making them. When he spoke of permanent rules he would not be understood to mean that any rules should be longer permanent than until the time came when the house of representatives should wish to rescind them.

The idea which led to the conclusion of the gentleman from Pennsylvania, was this, that every new Congress occasioned a new House of Representatives; that whenever the members were newly elected, there was a new House of Representatives. He did not believe this doctrine to be correct. The House of Representatives, he said was a totally distinct thing from its members. The House of Representatives, in his opinion, always existed; and there was no period at which it could be said there was not a House of Representatives in being. He never believed it was broken in pieces once in two years; for when the time of one set of members expired, that of another set commenced; so that it was of the nature of a Corporation, which always existed. He did not think there had been four Houses of Representatives since the commencement of the present Government, but that the whole had been one uninterrupted House. He thought this was the view which the Constitution gave of the subject; as it spoke of it always as a permanent body. In the same way, the President and Senate were permanent; if this were not the case, and every election made a new House, there was a time when the Senate was only two thirds of a Senate (when one-third went out of office). This idea therefore, could not be right. There was no difficulty, therefore, in forming permanent rules, since they were made to govern the House, and not the individual members. With respect to those things which each branch of government had the power of doing for itself; each could establish its own rules; but, what related to the whole government, must be the act of the whole. The gentleman from Pennsylvania had said, that each House had the power of judging of its own elections. This, he apprehended, did not refer to different Houses of Representatives, but to the House of Representatives, and the Senate, as each House was always considered by the Constitution as a permanent body. He was therefore opposed to the amendment.

Mr. NICOLAS believed this was a subject in which they should never advance far enough to come to a decision. Very long very plausible arguments might be adduced on both sides of the question, which would produce different effects on those who heard them; but he thought the subject before them might be acted upon, without coming to a question on that point. He supposed if any case of contested election came before the House, and the evidence was taken in such a way as to ascertain the truth, they should be at liberty to proceed to the examination of the case; and therefore, all that was wanting was, to call in the power of the General Legislature to authorize the attendance of witnesses to deliver their testimony. Let that testimony be taken upon established and acknowledged rules, which satisfy every man's mind, and it will carry conviction with it that it is proper. The necessity of adopting some mode of this kind was evident, as it was a great grievance that persons disputing elections had to come there, to learn the mode of doing it, before they could proceed to take evidence. Indeed, it was putting the power of sending members to that house in the hands of Returning Officers. He had no doubt that the Constitution gave them power to make a law on the subject; if necessary the necessity of the case would show the reasonableness of it; but he did not know that a law was requisite; he thought a rule of the House to the effect he had mentioned, would cure the evil complained of.

Mr. SEWALL believed, that the great difficulty on the subject, arose from the form which it presented itself, which had introduced the question, whether that house was a perpetual body or not. He must confess, that he differed in opinion altogether from the gentleman from Connecticut, (N. Smith) that this house was a perpetual body. He thought the constitution had shown, that though there was always a House of Representatives, yet that every house had only two years duration; but he believed, in determining the real object of this motion, there was no necessity for coming to a decision on this point. Mr. S. objected to the first resolution, on account of the notice required to be given, which in some cases, would prevent an undue election from being disputed, because the business was not taken up agreeably to the direction of this rule, as to time; so that whether the proposed regulation was to be effected by a rule or a law, he thought the first resolution ought to be rejected. With respect to the other parts of the resolutions, some regulation was certainly necessary, both as to elections, and as to all other matters of controversy which may come before the house; because, if some mode were adopted for taking evidence, facts might be brought before the house, which could never otherwise come. As it respected elections, they knew it had happened in one instance, and might happen in many, that a person had held a seat in that house for a whole session, who was not entitled to it. He saw no difficulty in passing an act prescribing the mode of taking affidavits to be laid before the two houses of Congress. He should venture to move that the committee rise, with the intention of discharging it from a farther consideration of the subject, and to propose that a committee be appointed to enquire into the expediency or inexpediency of prescribing a mode for taking evidence generally, for the purpose of laying it before Congress.

Mr. HARPER said, if the gentleman just sat down had no other reason than that which he had assigned, for making his motion, he thought, on consideration, he would not himself think it necessary. His whole objection to the resolutions seemed to be, to the notice required to be given. Here was no intention, he said, of precluding evidence after the time specified. The sole object was that testimony taken in this way, and no other, should be admitted. Persons wishing to have the time extended, might still take the evidence in this way. If there were a doubt on the subject, an additional clause might be introduced to this effect. Whether the mode he had proposed, was the best which could be adopted, he could not say. If gentlemen knew a better, he wished them to propose it, and let it be considered; but surely, because gentlemen think some better mode may be devised, this was not a sufficient reason for discharging the committee of the whole from a farther consideration of the subject. Mr. GORDON was in favour of the committee's rising, because he did not think the resolution would have any effect, if carried. He was of opinion with the gentleman from Pennsylvania (Mr. Sitgreaves) that they could not pass a rule to bind a future house, though he thought a law might be passed to do away the inconvenience complained of. These inconveniences arose from there being no law obliging witnesses to give their depositions in the cases mentioned. If such a law were passed, all that was complained of would be done away.

Mr. HARPER said, if the House could pass no law upon the subject to have effect, then it was idle to talk about it. One word upon the committee's rising. Was it proper, he asked, after the present subject had been printed before the House two years, merely because gentlemen had not given themselves the trouble to look into it, and not because the thing is improper, but because they have not prepared their objections or amendments, to have it sent to a new committee? He thought not. If gentlemen wished a day or two to consider the subject, he had no objection to give it, but he hoped the committee of the whole would not be discharged.

Mr. SITGREAVES supposed, that the question being for the committee to rise, it would be improper to go into the merits of the subject. He rose only to give an additional reason why the Committee ought to rise. If the House passed any thing either in the form of a law, or a resolution, the provisions necessary must embrace such a variety of detail as could not be settled in a committee of the whole, as they should be entered into with great caution and deliberation. Indeed, the mode of procedure adopted on this occasion, inverted the usual order of things. The detail of business was always settled in select committees, and not in committees of the whole.

The motion for the committee's rising was put and carried; and upon leave being asked to sit again, it was refused.

Two motions were then made; one by Mr. Nicholas, for referring the resolutions to a select Committee; another by Mr. Sewall, for appointing a Committee to enquire into the expediency of passing a law regulating the taking of evidence generally. The former was withdrawn to make way for the latter, but renewed by Mr. Rutledge, and in order to do away some objections which were urged against this mode of proceeding, Mr. Harper proposed to amend the motion adding this direction to the committee, viz. "to take the subject matter itself under consideration, and report their opinion generally to the House."—Agreed and a committee of five members appointed.

Mr. D. FOSTER, from the committee of claims, made an unfavourable report on the petition of Robert Hornor, which was concurred in.

Mr. RUTLEDGE presented the petition of Robert Simmons, praying compensation for Military Service.—Referred to the committee of claims.

Mr. HARPER from the committee to whom was referred the memorial of Thomas Carpenter, praying for the support of the House to his American Senator, reported it as the opinion of the committee that no encouragement could with propriety be given to the said work, and that the Memorialist leave to withdraw his memorial.—Mr. H. moved that this report be referred to a committee of the whole; but on the motion being objected to, as unnecessary, it was withdrawn, and the report was concurred in by the House.

Mr. COCHRAN proposed a resolution to the following effect: "Resolved that a committee be appointed to enquire whether any, and what amendments are necessary in the law establishing Post offices and Post Roads."

Some objections were made to this motion by Mr. Thatcher, on the ground of the law having so lately passed, that it could scarcely be told what would be its operation; but, upon Mr. Cochran's representing that he did not wish to go into a revision of the act generally, but merely to propose the opening of some new roads in a populous part of his state, the motion was agreed to, 47 votes being in its favour.

Adjourned.

The City Dancing Assembly, is unavoidably postponed till the 14th inst. Dec. 2.

Salisbury Estate.

THE Subscriber, proposing to contract his business, offers this Estate for sale, on moderate terms. On it are one Blast and three Air Furnaces, a complete Rotaing Machine, and a very good grist Mill, with two pair of stones; also a good Forge, all in perfect repair, as are all the Water Works connected with these various branches. The Air Furnaces were lately built for the purpose of casting Cannon for this State.—There are about two thousand acres of Land, one half of which is under wood, the other very fine arable Land, producing the best Hay and Pasture. The Cannon lately manufactured there, fully proves the excellency of the metal, which is superior to any in this country, and probably equal to any in the world; for not one of sixty-six guns lately made, although some of the 24 were bored into 32 pounders, have failed on proving. The situation is very eligible, particularly for this branch of manufacture, and a place of some living in the State of Connecticut, and only 30 miles from several landings on the Hudson's river, and having every advantage that can result from a plenty of water falling from a large natural pond, very near the Furnace, and which may be converted into a variety of other useful purposes. The purchaser can be accommodated with all the stock and utensils, and have possession on or before the full of June next, and preparation may be made in the mean time for going into blast immediately thereafter, for every part will be delivered in good order, with some coal, Ore, &c. For terms, apply to Mr. Joseph Anthony, in Philadelphia; David Brooks, Esq. one of the Representatives in Congress for this State; Mr. David Watsonman, on the premises, or to the printer in New-York.

WILLIAM NEILSON.

Dec. 1. 1791.

URIAH SMITH,

No. 20, north Third Street—READS FOR SALE, A neat and general assortment of: Broad Cloths, Kerseys, Naps and Drab Coatings. ALSO, A variety of Gentlemen's fashionable fancy Waist-coatings, silk Hosiery, &c. &c.

December 5. w&stf

FOR SALE, BY THE SUBSCRIBERS, Madeira Wine, first quality, in pipes.

Madeira Wine, New-York quality, in pipes.

Lisbon WINE, in pipes.

CLOVES and NUTMEGS of the latest importation, in boxes.

Spanish Wool, in Bales, suitable for Hatters.

Willings & Francis, Penn-street, No. 21. Nov. 1. w&stf

LAW BOOKS, Latest London and Dublin Editions. H. & P. RICE, Bookellers, No. 16, South Second, and No. 50, Market Street.

I HAVE just received by the late arrivals from London and Dublin, their spring importation, consisting of a variety of the latest and most approved Law Books, which, added to those already on hand, forms the most extensive collection ever offered for sale in this country. They therefore beg leave to notice, that from the nature of their connections in Dublin, they are enabled to sell Irish editions (as they have hitherto done) at the very lowest prices. The following are among the latest publications.

Veley, jun's Reports in Chancery, 2 vols. Paule's Cases at Nisi Prius; Ridgeway's Reports in the time of Lord Hardwicke; Floyer's Proceedings in the Ecclesiastical Courts; Barton's Treatise on a Suit in Equity; Tidd's Practice of the Court of King's Bench in Personal Actions, 2 parts complete; Ward's Law of Nations; Cruise on Uses; modern Reports, 12 vols. London edition.

H. and P. RICE expect to receive by the first arrival from New-York the 6th vol. complete of Durnford and East's Reports, the 2d part of Gilbert's Law of Evidence by Loft, and a number of new publications.

June 26.

The Gazette. PHILADELPHIA, THURSDAY EVENING, DECEMBER 7.

DIED.—At Boston, on Tuesday the 28th November, Mr. JAMES CARTER, for more than thirty years past, one of the public Instructors of that town. In his death society sustains the loss of a capable, diligent and faithful public servant.

—In Connecticut, at an advanced age, His Excellency OLIVER WOLCOTT, Governor of that State.—An enlightened patriot, a firm friend to the independence and interests of his country—a CHRISTIAN, "the highest style of man."

Legislature of Pennsylvania. ROBERT HARE, Esquire, was on Tuesday last, unanimously re-elected Speaker, and TIMOTHY MATLACK, Esquire, Clerk, of the Senate—and yesterday GEORGE LATIMER, Esquire, was unanimously re-elected Speaker of the House of Representatives. Mr. Joseph Bullock was elected Clerk, having 55 votes out of 57. The house adjourned after the Speakers had qualified the members.

Mr. James Martin was chosen Sergeant at Arms, and Mr. Joseph Fry, Door-keeper.

A Charity Sermon will be preached by the Rev. Mr. Neale, next Sunday, in St. Mary's Church, at 10 o'clock, A. M. for the benefit of the poor of the said Church.

Letters of the 7th Oct. received by the British packet contain nothing new.

Suckerton, N. Jersey, Dec. 2. MELANCHOLLY ACCIDENTS.

Last week a child about two years old, of Mr. Jonathan Smith's of this place, unfortunately fell into a tub of hot pickle, and was scalded to such a degree that it expired in a few hours.

And on Wednesday this week, a boat upset in a snow squall, in which were Joshua Evans, son of Mr. Caleb Evans of this place, and Hananiah Gaunt, both of which perished, and this day the bodies were found (in or near the boat) by a party of the neighbours who went in search of them, and were brought on shore to be interred.

\* \* No Mails had arrived when this Paper went to Press.

The October Packet is arrived at New-York.

From the ALBANY CENTINEL.

The following *Jeu d'esprit* was passed up on the walls of Paris, at the time of the formation of the constitution of the third year. It gave so much offence, that a reward of 2,000 livres for the discovery of the author, was proclaimed. It was conceived to be an insult to the sovereign people, whose rights were secured and guaranteed by the foresaid constitution, and who were in all respects well able to govern themselves. It was a libel on the aforesaid constitution, as the work of the people themselves. It was finally an attack upon representative governments, as if the people were such Brutes, as to be incapable of chusing their own representatives. So much for this little libel. Whether the late events in France have falsified or confirmed it; whether the expulsion and banishment of one half of the French legislators by the rest, is a proof of the efficacy of representative government in that country; whether it is now demonstrated, that the French people are machines, or free agents; and finally, whether the transactions of the 4th September, and the passive submission of the people, shew any likeness between them and ourselves, and exhibit them as an example for our imitation, I shall submit to the candid American reader.

O People Francois! quelle bete!  
D'avoir un bonnet sans tete.  
O People Francois! quelle Machine!  
D'avoir un Arbre sans Racine.

TRANSLATION.—  
Oh People! whither are you led,  
Oh People! surely turn'd to Brutes,  
To have a Cap without a head,  
To have a Tree without the Roots.

ANOTHER.—  
Ye Fools of France, by Faction led?  
What is a Cap without a head?  
More stupid still who search for Fruit,  
Upon a Tree without a Root.

ANOTHER.—  
People for Bravery and for Wit renown'd,  
See what success your mighty works hath crown'd!  
Your glorious Tree the dev'l a Root can boast;

And tho' the Bonnet's gain'd the head is lost.

ANOTHER.—  
Is it for this that France has bled,  
To gain a Cap without a head?  
Trampled all Laws beneath her Foot,  
To nurse a Tree without a Root?

GAZETTE MARINE LIS

PORT OF PHILADELPHIA.

CLARED. Ship Jean, M'Pheron Savannah  
Brig Modest, Colladay Hamburg  
Pennsylvania, Tatem Cadiz  
Charlotte, Eagleston N. York  
Jane, Vanfise C. Francois  
Molly, Kilby St. Bartholemew  
Schr. Polly, Edridge Boston  
Sloop Mary, Gamble Havannah  
Sally, Nicols N. York

Capt. Labreze, from Savannah, was boarded on the 2d. ult. lat. 38. 8, by the British frigate *Thetis*, Capt. Cochran, who informed him, that he had detained for examination a ship belonging to New-York and a Philadelphia

Ship, both from the Havana, for Philadelphia, the Philadelphia ship *Iberia* in sight, and the boats of the frigate on board both vessels. Capt. Cochran, ordered Captain Labreze to keep him in company until he had determined what to do with the ships, in order that if he made prize of them, he might write to their owners, stating his reasons for so doing; but Capt. L. proceeded on his voyage without further information respecting them.—Capt. L. understood that they had captured a brig from the Havannah, to this port.

The *Schr. Tryal. Hand*, from New-York, has drifted from the point with ice, opposite the City, between the island and the Jersey shore. The brig *Charlotte*, Eagleston, from hence to New-York, is detained by the ice at the point. The *Thomas Chalkley*, Clark, arrived at the fort from Martinico, failed from that place the 26th of Oct. and Tortola the 3d ultimo, in company with several vessels for the ports of the U. States.

Capt. Clark has been on the coast since the 21st ultimo, and saw a number of vessels of all descriptions, many of whom stood to the southward and his supposed have not got in.—Arrived at the Fort the brig *Sally*, Waldron of New-York from Carracoa in distress, having sprung a leak and short of provisions.

Boston, Nov. 29.—Arrived yesterday—Brig Acteon, Burnham, 42 days from Hamburg. Left there Oct. 4. Ship Hannah, Stutton, of Boston, for Lisbon; brig Two Friends, Merrill, of Portsmouth; ship Mary, Baker, of Portland, for Oporto; ship Industry, Hall, of Boston; ship Enterprize, of Providence, loading for Cape-de-Verdes; Tenessee, Smith, of N. York, for Philadelphia; ship Juno, Blake, of Boston, for N. York; ship Pennsylvania, Williamson, of Philadelphia; ship Victory, Spafford, of Boston; brig Elizabeth, Pickett, of Newbury-Port; ship John, of Boston, for Philad. ship Arajah, of N. York, for the Isle of France; ship Nancy, King, of do. for the coast of Guinea.—Nov. 6, lat. 43, 20, long. 52, spoke *Schr. Hope*, from Malaga, bound to Boston, out 27 days (since arrived.) Nov. 12, lat. 41, 10, long. 63, spoke ship Mary Ann, Park, of New-York, out 5 days for Bourdeaux.

Also yesterday—*Sch. Hamilton*, Clapham, from Martinico, and last from Tortola, which place he left Nov. 4, in co. with a large convoy bound to England, and the following vessels bound to America, viz. the *Joseph Jones*, Portland; *Volant*, Barker, Salem; *William Milberry*, Newbury-Port; *Hannah Chase*, do. *Sally Ripley*, Boston; *Industry*, Tuck, do. *Hannah Lord*, do. *Molly Stevens*, Marblehead; *Swallow Taylor*, Plymouth; *Eagle Davey*, do. *Friendship*, Harlow, do. *Almy Curtis*, Boston; *brig Pallas*, of Kennebec, with several other vessels, names unknown.—Lat. 37, 50, long. 71, 30, spoke ship John, from Amterdam, to Philadelphia, out 104 days.

Also yesterday—*Sch. Phenix*, Coit, Copenhagen, 57 days.

A ship from St. Ubes; Capt. Atkins, from Lisbon, and capt. Lovering, from Falmouth, are in at Gloucester.

The Circumnavigator, lately taken by a British privateer, was sent to N. Providence where she was acquitted and suffered to proceed for Boston, without any papers.

The ship *Sarah*, capt. Pollard, of Boston, from Woolwich-bay, 1800 blbls. oil; and ship *Leo*, capt. Allen, of Nantucket, 1400, were spoken in the Vineyard Sound, on Wednesday last.

BOSTON, November 29.

It is apparent from Paris papers to Oct. 3, that the expectations of continued warfare are paramount; and that every exertion is making to give effect to the first recontract of the opposing armies. Notwithstanding this appearance, the negotiations at Udina were not discontinued at the late dates—and the Paris Courier of Oct. 3, mentions, that the French Commissioners, Treillard and Bonnier, were gone again to Lisle, and that the British government, after the return of Lord Malmesbury to London had dispatched a courier to them. We see little in the papers respecting the United States, and that little is unaccompanied with observations.

A letter from Paris, dated Oct. 2, says, "The war will be continued in Europe with renewed numbers, and augmented inveteracy. Since the expulsion of Barthelemy, Palforet, Vaublanc, and others, who were certainly the friends of our country, I am fearful the terms imposed on our Extra Commissioners will be harder, than if their arrival had been posterior to that eruption. As yet they have made no progress in the negotiation; and we cannot even conjecture the issue. My candid opinion is, that they will explain things satisfactorily."

Philadelphia and Lancaster Turnpike Company.

THE Stockholders are hereby notified, that the Annual Election for Officers for the ensuing year will be held at the Company's Office in Philadelphia, on the second Monday in January next, at 10 o'clock, A. M. Wm. GOVETT, Secy. December 7. 1791. w&stf

MUSIC.

J. L. LENZ.

Teacher of Vocal and Instrumental Music, RETURNS his sincere thanks to the Ladies and Gentlemen, from whom he received a very liberal encouragement, since his residence in this city, and respectfully informs his friends—and the public generally, that, in consequence of the request of some of his friends, he has opened a Musical School at his house in Spruce Street No. 174, where he will teach on the Piano forte, Violin &c. &c. He deems it unnecessary to enlarge upon the advantages the learner will derive from an institution of this kind; he will only say, that attention and zeal are much excited in an assembly, where numbers are in pursuit of the same object. His arrangement is such, that an interference of the different sexes will be avoided. Those Ladies and Gentlemen who cannot make it convenient to attend at his school, he will wait upon their houses.—Applications will be thankfully received at his house, where his terms and further particulars may be known.

Dec. 7. \*two4