

C O N G R E S S .
HOUSE OF REPRESENTATIVES.

THURSDAY, January 18.

Debate on providing the means of Foreign intercourse.

[Continued from Saturday's Gazette.]

Mr. SUGREAVES said, it was much to be regretted, that when gentlemen thought it necessary to introduce their opinions to the consideration of the house, they should suppose themselves justified in taking a latitude remotely and unnecessarily connected with the subject under consideration. These sort of remarks could not be permitted to go without reply; and in consequence, the debates of the legislature appeared, as if they were intended more to influence the public mind, than the minds of gentlemen in that house on the decision of the question before them. He did not think these observations without their application on the present occasion. If the gentleman who made the motion before the committee had confined himself to the propriety of appointing ministers plenipotentiary to certain courts, it would have been decided by this time; but he had thought proper to go into a declaration on the fatal effects of Executive patronage, and on the particular uses made of it in this government. He asked if any gentleman could dispassionately say that this had connection with the subject before the committee. If the gentleman's observations were taken in their broadest extent, they went to say the patronage of the Executive was dangerous to the liberties of the People of this Country—they went to defeat and dishonour a power created by the Constitution of the Country. If the gentleman meant any thing, therefore, (and he supposed he had some meaning in what he said) he could mean no more than this, that it was improper in the Executive to appoint improper persons to improper offices in the Government. This proposition was self-evident, and there could be no disagreement upon it, and no general observations on the ruinous effects of patronage were necessary. No man was disposed to say that if the Executive power were unlimited, it might not be abused, and all knew that it was wrong to appoint improper persons to public offices; but the true application of the arguments used on this occasion appeared to be, that the appointments made by the Executive were made with the single view of increasing Executive influence, and that, consequently, the motives of the Executive were impure. This position had not, most assuredly, been supported, by the introduction of any fact; but the declaration was as broad and as little specific, as the charge itself.—It had also been observed, that it had become an avowed principle in the government to exclude from public offices, all those who were of a different opinion from the Executive. He knew not upon what foundation this assertion was made, and it was very immaterial whether true or not. For himself, he had no objection to declare it to be his opinion, that wherever the administrators of government had deviated from a rule of this kind, they had done so to their sorrow and to their loss, and the experience of government in this respect had produced a sad and awful lesson, which would doubtless have its effect in future.

But, was it for that house to enquire into those things? He believed not. The Constitution and laws of the Country had made certain offices necessary, and left it to the Executive to fill them as he pleased; and was it for that house to attempt to control this discretion? If it were executed to the injury of the People, the Constitution had pointed out the remedy to be by impeachment. But where was the crime, the offence, or the impropriety, of the conduct ascribed to the Executive, if it had been adopted? Would gentlemen say, that the Executive ought to appoint persons to offices who professed an opinion contrary to its own. Did gentlemen suppose that there was such a want of integrity in this department of Government, that it adopted a political opinion which it did not believe to be right; and if it were believed to act from principle, would it be prudent, or right, to admit to a participation in the execution of the important duties of Government, persons whose sentiments were not in unison with those of the Executive, and who could only create discord and confusion, where nothing but harmony and union ought to prevail? If the Executive acted upon just principles, it would endeavour to give singleness of design to its operations, and it could only do this by admitting persons into the government who thought with it. This would be a right, prudent and honourable conduct, and where it had been deviated from (as he had before observed) Government had received an awful lesson for its future conduct.

But why deviate into this wide field of speculation? The single question before the committee was, whether an appropriation should be made in support of our present diplomatic establishment. In arguing on this question, gentlemen set out with saying, that at the origin of this government a certain diplomatic establishment was necessary, and that there had been no occasion to change it; and, if it had been changed, it was now the time to correct it; and they called upon gentlemen to shew what necessity there had been for the change. To that call it was sufficient to answer, and it was an answer which must be given, that they did not know. They had no means of knowing; the Constitution had not placed those means in their hands. For whatever control that house might assume to itself over the Executive, it must be admitted that a right judgment on this subject could not be formed by them, as the information necessary to this judgment was not upon the files of that house. All the diplomatic agents correspond with the Executive alone, and that branch of government only could form a correct judgment upon diplomatic agencies. Suppose

they were, in their turn, to ask gentlemen, why was not the present establishment necessary? were they prepared to give a well grounded opinion on the subject? He believed they could not. And the burden of proof lay upon them, because they were endeavouring to destroy an existing establishment, without knowing the reasons which had induced the change.

It had been said by his colleague, that the power of appointing officers, vested in the executive, was liable to abuse, and he had referred to the late appointment of the gentleman from S. Carolina whilst a member of that house, as a proof of it. Mr. S. asked if there was any thing in the constitution which forbade the President from appointing members of the legislature to executive offices, and on the contrary, if it had not been the constant practice to do so? If the constitutionality of the practice could not be called in question, the abuse of its execution could only be blamed. In the particular instance alluded to, his colleague had not supposed the executive had been actuated by any improper motives in the appointment; but only that the fact shewed the power was liable to be abused. Unquestionably this, and every other power might be abused; but if the power was constitutionally used, it could not be found fault with, except it were abused. Where could the executive look for fit persons to fill diplomatic offices, if he were not to chuse them from the legislators, whose situation evinced that they possessed the confidence of their constituents, and in which they had had an opportunity of shewing that they possessed abilities for such an appointment, such as would do honor to themselves, and such as were calculated to procure advantages for their country.

The question whether that house had the power to interfere with the executive authority, by withholding appropriations, had been fully discussed in a former congress, and the opinion of the country was not now to be fixed on this subject. For that part of the house, who thought the constitution had not vested them with the authority of controlling the executive, it was sufficient to say, that the executive had not it necessary to introduce the change in the diplomatic department, which was complained of, and that they felt themselves bound to carry his determination into effect; but those who think the house of representatives may control the executive in this respect, will of course act accordingly.

Mr. BALDWIN said, he perceived there was a real difference of opinion between the gentleman last up and himself. The gentleman supposed the diplomatic establishment was fixed by the executive, and the legislature had nothing to do with it, but to provide the money. Every person must see, even from a cursory view of the constitution, that this was designed to be a government of departments, legislative, executive and judicial, to be kept as far as possible distinct. It was the business of the legislature to establish officers by law; it was the business of the executive to fill those offices. It would appear, from tracing back the law now proposed to be continued, that it originated in this manner. He had not been notified of the subject, being likely to be called up to-day, and was not prepared to be as particular as he could wish as to facts; he had endeavored to refresh his recollection since it had been under discussion, and he found it originated from the speech of the President at the opening of the second session of the first congress, in which he said, "that the interests of the United States required that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfill my duty in that respect; and to this end, that the compensations to be made to the persons who may be employed, should according to the nature of their appointments, be defined by law." This part of the speech was referred to a committee, and from that originated this law. Want of information at that early time in the government, prevented their being as particular as they wished, they fixed a sum to each grade, and a sum beyond which the whole amount should not extend, limited the law to a short period, that it might be open to be corrected by experience. The present motion, if he had understood it, proposed now to be a little more particular in the establishment, by fixing the sum for particular places; to do the very thing then recommended by the President. The same had always been the intention of every succeeding congress, which was the reason why they continued it only for short periods, leaving it open to such amendments as should be suggested by experience. These ideas of the offices being first to be established by law, appeared not only to be the sense of the former President, and of each succeeding congress, as he had stated, but appeared also to be the opinion of the present President. At the last session, he thought that a higher grade of office was necessary at Algiers; this he stated in a message to congress, that as there were great expenditures of money on that coast, he thought it necessary that an establishment should be made which would enable him to appoint a very confidential person, on whom the other officers there should be dependent, and who should control their proceedings and expenditures. Congress concurred in this opinion, passed a law for the establishment of the office, and then the executive appointed the officer. For these reasons, he considered the question as within their proper powers, and fairly open to their deliberation.

He was always sorry to hear of the hostility of the departments of the government and of how much harm they could do if they were hostile to each other. They are designed, and have every inducement to cultivate harmony, and not hostility; and in the harmonious exercise of their powers, they control each other; there can be no great danger of excessive patronage in appointments to office, if the office must be first established by law. If he had not mis-

understood the gentleman last up, he had expressed some belief and approbation of the executive's having a political system as to legislation, and rewarding and punishing friends and enemies of that political system: to be sure it was by the constitution made the duty of the President, to lay information before the legislature, and to recommend measures. When he has done this, he has done his duty; but to conceive that there is a general system of legislation always existing in the executive, which is to be regarded as standard; or that the executive and judiciary departments of the government are to be considered as floating round on the small and frequently casual majorities and minorities which will for ever take place in representative legislatures, was sapping the very principles and foundation of a government of departments like ours. If a law happened to be made by the wrong side, it would have had but a bad chance with the executive, or at the best of judgment. There were old republics in this country. He believed their executives or judiciaries had rarely taken part, or been carried round on the thousand storms with which they had been agitated. He could not persuade himself that he had understood the gentleman as expressing an approbation of it, as he thought it was stated by him (Mr. Sugreaves said, he had certainly been misunderstood). Mr. Baldwin said he therefore considered the question a fair one, and a question which was always expected to be made at the different times when this act had been continued by short limitations: it had been an old question, and always considered a very important one, before the present government was formed. At the close of the revolutionary war, the disposition for forming many treaties, and having extensive diplomatic connexions with European powers, was carried even farther than it has been since. It was among their first national acts, and discovered marks of youth and inexperience; a few years convinced them that they had gone too far, that this country had little to expect from treaties and much to lose, and that many diplomatic connexions were more frequently the cause of perplexity and embarrassment, than of any national advantage. The Congress, under the articles of confederation, were extricating themselves from that policy as fast as possible; as these expired in course, they were careful not to renew them. For several of the last years of that Congress, he well recollects that clusters of candidates for these appointments, supported by powerful interests and connexions were uniformly resorted to; and, if he mistook not, when this government came into operation this country had but one minister in Europe. The conviction on this subject was so strong, and experience had so fully settled it as the true policy, that it remained immovable for some time after organizing the present government. All appropriations for foreign ministers were refused at the first session as far as he recollects. At the second session, it was urged, in the speech of the President, as before stated, and enforced by more particular explanations to individuals, as designed to be for temporary purposes, respecting the northern ports and the property that was withheld: under these explanations, a law passed, as before explained. It was true, this policy had been of late, in some measure departed from. He thought experience had already been useful to them in this course also, and ought to administer caution to them in seeking to intermingle in European politics. Ambassadors and ministers cannot be entirely indifferent to the characters and events with which they are constantly surrounded: the share they take is very apt to be exchanged between the countries to which they belong. He did not wish to be too particular on that point: he was persuaded facts enough presented themselves to the recollection of every member to confirm his remark. It might be said that on this also we have an awful lesson. If evil had been experienced from this cause, he hoped it would operate as a reason to endeavour to diminish it. He thought it not unreasonable for the house to interpose their restraining power as to granting money, and the more particular establishment of the offices, and thus aid the other departments of the government in bringing back by degrees, this part of our policy to its former principles, so well sanctioned by experience.—Whether the present moment was well timed, or whether it was best to give it another short limitation before we went into a definite establishment, was another question, on which he was willing to hear more remarks. Informed as he was at present, he should vote for the motion, and thought they might make some amendments to the former bill, already suggested by experience, and which would be useful.

The committee rose and had leave to sit again.

FRIDAY—JANUARY 19.
Debate on Foreign Intercourse.

The House having resolved itself into a committee of the whole, Mr. DENT in the chair,

Mr. PINCKNEY rose. He understood the amendment was intended to confine our Ministers Plenipotentiary to London and Paris, and that no higher grade than Ministers Resident should be employed in any other country. He was opposed to this change at this time, and to the mode proposed of doing the business, if the time were feasible. It was proper that at this juncture, our Ministers should remain as they were, as it was prudent to derive all the influence and advantage we could from the situation of our agents in Europe, who would not only be enabled to communicate more correct information from thence, than could be derived from any other source, but who could also explain the motives and objects of this government, and by that means remove any unfavourable impressions which may be attempted to be given with respect to this country; and thereby put our business in the best train for securing the neu-

tral standing which we have taken. He was again for another reason. To change the Diplomatic Intercourse in the way proposed, would be forcing upon the Executive a measure contrary to its wishes. It would also be affording testimony to the charge heretofore made, that there was a division in the government and in the People a situation in which many wished to see us. He should be sorry to afford the appearance of one department of government having forced upon the other a change of measures of which they are the competent Judges, and upon which they have acted. As it was well known that there was a very intimate connection between Spain and Holland, and the country with whom we have at present a misunderstanding, he should be unwilling to deprive this country of the advantages to be derived from having ministers at those places; besides, if our ministers were to be recalled from thence, it would be considered as an extraordinary proceeding; and might be construed as intended to be hostile to them. Whatever influence Spain or Holland may have in the councils of the country which he had alluded to, by continuing our ministers there, it was probable that weight would operate in our favour. There was an additional reason with respect to Spain. It was well known that we had points yet to settle with the country. Our treaty with that power was not yet carried into effect, and negotiations might at this time be going on in relation to it, which might be frustrated by the recall of our Ministers.

With respect to the grade of Ministers proper to be employed in different countries, we must not consult on this subject our own ideas alone, but pay some respect to the light in which this business is seen in other countries. From a fact within his own knowledge, he knew of what consequence these forms were looked upon in the court of Spain. When they wished to finish a treaty which was begun with this country, they desired it might be done by a Minister of a higher grade than the one resident there. It was on this requisition, that an envoy extraordinary was sent. There was considerable etiquette in this business, which it would not be proper altogether to neglect. It was necessary when a minister Plenipotentiary was sent to a country, for that country to return a minister of the same grade. Besides to go into the proposed measure at this time, would exhibit a degree of instability in our Councils which would have an unfavourable appearance to Foreign Countries. If peace were restored in Europe, and we had no difference to settle there, he should agree with the gentleman from Virginia, and with the opinion of the old Congress, that it would be well to keep no Foreign Ministers in Europe. All commercial regulations might be as well carried on by Consuls as by Ministers; and if any differences should arise betwixt this Country and any of the European Governments, special envoys might be sent to settle them, as heretofore; for when the situation of this country was considered it would appear to be for our interest to have as political connection with Europe as possible, and therefore Ministers could be of no use, but might do mischief. Gentlemen of the different opinions in that house, must see that we have had ministers in Foreign Countries who have done no good, and that Foreign Ministers have been sent to this country who have done harm. He therefore thought that the gentleman from Virginia was right in principle; but he thought that the time improper, and he did not approve of the mode proposed to be adopted. He should wish that the subject should be bro't forward by way of an original motion, and receive all the discussion which the rules of the house would admit of.

Mr. P. concluded by observing, that he had avoided touching upon what gave colour to the debate of yesterday. It was with concern he heard such topics introduced. It must be lamented by every friend to the country, as tending to destroy that harmony and good will which was at all times proper and desirable, but at this time peculiarly so, when all our efforts ought to be joined to avoid the calamities of war; but when, if these calamities could not be avoided, we ought to stand shoulder to shoulder and oppose every power who was determined to impose upon us. So strongly was this impressed upon his mind, that he thought every means should be taken to harmonize and conciliate. The best way to effect this harmony, in his opinion, was to avoid in debate, all personalities, and those subjects which tend to heat the passions, and which, instead of elucidating, embarrass investigations; for there was no chance for rational enquiry, when full vent was given to resentments and anger. Mr. P. asked pardon for this digression and sat down.

Mr. NICHOLAS wished to explain his intentions of bringing forward this amendment. He believed the gentleman last up would find they nearly corresponded with his own. He had no idea of putting an immediate veto upon the Ministers at present employed. He considered this bill, though passed with a limitation, as a permanent system, and a subsequent clause of the bill would enable the committee to fix the time at which the salaries of Ministers should cease. His wish was to put a limit to this extension of executive power. He reminded the gentleman from S. Carolina, that Holland was not concerned in this bill, as we had only a Minister Resident there. If the subject were further dilated upon, he should offer some farther remarks upon it.

(Debate to be continued.)

LONDON.

BRITISH NAVY.—The number of commissioned officers at present in the service of the British navy, amount to 2945, viz.
Admiral of the Fleet 1, Post Captains 509
Flag officers of different Commands 319
Ranks and colours 105, Lieutenants 2011
The last promotion of captains to the rank of rear-admiral, took place on the 20th of February last, and includes nine—Sir Charles Cotton being now the last on the list of admirals. The

oldest captain, who had not reached the rank of admiral, is Sir Alex. Schomberg: he was made post captain in the year 1757.

At the head of the masters and commanders still stands the long-neglected name of George Blyke, who was promoted to that rank in the year 1757.

The senior lieutenant of the British navy is Mr. Anthony Fortye, whose luck in preferment seems to have kept pace nearly with that of the former gentleman. Mr. F. was made a lieutenant in 1744.

The venerable father of the British fleet, Lord Howe, is we believe, the oldest officer of any rank in the service. His lordship was made a post captain in the year 1746, a rear-admiral in 1770, a vice-admiral in 1775, an admiral of the white in 1781, and admiral of the fleet in 1796.

A very curious discovery has lately been made by one of our best antiquaries and historians, among the papers of the celebrated Irish Patriot, Mr. Molynux, who died in 1699, of a branch of the Royal Society, established in Dublin, and corresponding with them from 1662 till Sir Isaac Newton was President of the Society. This circumstance was not known when the Irish Academy was incorporated, 1786. From a print of the *Giant's Causeway*, printed and engraved by their order in 1697, it appears that Sir Cyrille Wiche was president, Dr. Albe, Bishop of Cloyne, and William Molynux, Esq; Vice President of the Dublin Philosophical Society, some curious traits have also been found among the papers of Dr. Huntington, who was a great traveller, and Professor of the University of Dublin in the reign of Charles II.

At Worcester races last week, appeared the venerable William Hyde, of Hopton Wasers, in Shropshire, who is now in his 104th year! He rode from that place to Mr. Burwick's hospitable mansion at Hallow, from whence he swalked daily to the race-ground. In his cottage on the side of the Clee-hill, he has passed his long and peaceful life, in the parish which gave him birth. After the age of 70, he wandered into Wiltshire to see his sons, and walked on the first day of his journey from his home to Newport, in Gloucestershire, a distance of near 50 miles. He lived 68 years with one wife!

A machine was tried on Monday on board his Majesty's ship Centaur, which bids fair to be of the greatest utility to the marine of this kingdom: it is a new capstan, invented by William Bolton, Esq. Commander in his Majesty's navy. Four men actually weighed the Centaur's sheet anchor. Had all the powers been applied, it was allowed that two men would have done it. Indeed from many causes, there is little doubt but one man would raise a 72's anchor. This machine possesses both power and velocity, as the powers can be applied, or detached with wonderful facility; and used as a simple capstan, it is much superior to any common one.

BOSTON, January 12.
GOVERNMENTAL PROCEEDINGS.

Agreeably to adjournment, a quorum of both branches assembled at the old state-house, and proceeded to the election of committees preparatory to the execution of business.

A committee was raised to report the time and manner of repairing to the new state-house, which the agents had reported was prepared for the accommodation of government. Adjourned.

Thursday, January 11.

Agreeably to assignment, and in violation of the legislature, the Supreme Executive repaired to the senate chamber of the old house, and at 12 o'clock, a procession moved consisting of the

Sheriff of Suffolk
His Excellency THE GOVERNOR,
His Honor the Lieutenant-Governor,
The Hon. Council,
The President of the Senate,
Chaplain of the Legislature,
The Hon. Senate,
The Speaker of the House of Representatives,
The Hon. House,
The Secretary of the Commonwealth,
Clerks of the two Houses,
The Treasurer of the Commonwealth,
Clerks, Messengers, &c.

In this order the whole proceeded to the representatives' room, in the new Commonwealth House; where the Rev. Dr. Thatcher, as chaplain of the legislature, in a very eloquent and pathetic address, dedicated the building to the most honourable of human pursuits—the honour of God, and the people's good. The different branches then separated, and took possession of their appropriate rooms.

Dr. Estlin, in behalf of the representatives of Boston, in a very handsome manner, returned thanks to the house, for its politeness in permitting them to take the first range of seats opposite the speaker.

The Secretary informed the house, that he had in direction from his Excellency the Governor to acquaint the house, that he should meet them to-morrow, in the representatives room, to make the usual communications to the legislature. Adjourned.

Friday, January 13.
The two branches being convened in the representatives' room, precisely at 12 o'clock his excellency the Governor came in and addressed the Legislature in the following

SPEECH.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives,
While I rejoice with you, and my fellow-citizens at large, on the completion of this stately edifice, not less honourable to the Commonwealth, at whose expence it was erected, than ornamental to the capital which generously provided the place; permit me to express my entire satisfaction at the ingenious manner in which the plan has been executed. Begun and finished in little more than two years, it exhibits a pleasing proof of the architectural skill and fidelity of your agents, who planned and superintended the work; while it demonstrates the ability of the artificers who performed it.

Combining the advantages of suitable retirement, a healthy situation, and delightful prospect, with such elegant and very convenient apartments for the security of the records; and for transacting the public business, there is perhaps no building to be found within the United States, more useful or magnificent. I am confident that you, gentlemen of both houses of the legislature, will cordially join me in the fervent wish, that this state-house may long remain a monument of the public spirit of the citizens of Massachusetts, as well as the testimony of their respect to our happy political institutions. We will then, under the smiles of Heaven, unite in dedicating it to the Honor, Freedom, independence and security of our country. In this house may the true principles of the best system of civil government the world has ever seen, be uniformly supported. Here, may every practice and principle be successfully adopted, that tend to impair it. Here may every act of the legis-