

corn. He was not much acquainted with commerce, he was a farmer, but he had read something on that subject and believed that commerce was to a certain degree necessary; it may have been extended too far, but the merchants knew we could not give them the necessary protection, and consequently must risk their vessels and cargoes. This it is presumed they will do, while they find it beneficial, and this was evidently the case, because we are now supposed to be the second commercial nation in the world. And it appeared to him that commerce was the handmaid of agriculture; and the greater the competition in our markets between the foreign merchants and our own, the better market, and greater demand for the produce of our country. Thus the farmer will obtain a higher price and quicker sale for what he has to dispose of, but on the other hand, if there was no competition in our markets, the farmer must sell at a price our merchants may (in a combination) please to give, or store his articles until the shipowner will please to carry it away.

The gentleman from Virginia (Mr. Nicholas) had said, that the executive power growing out of the diplomatic department, would cause war, ruin and destruction; this said Mr. W. might happen, if the majority of our people should become insane, and chuse men to fill offices, whose determination it was to ruin the country. The executive could not do it alone, because the advice and consent of the Senate was required, and the majority of this house must agree to it, because it is to be presumed that no greater salaries would be given than were necessary.

Besides, the constitution provides for an impeachment, and at the end of four years the executive returns to the people; there is another provision in the constitution, that is, the people can amend it and take from the executive what power they please, thus we find the state that gentlemen comes from sent out two years ago, certain amendments and at this time the measure is renewed. The people did not think prudent to adopt them two years since; this shews, however, that the Legislature of the state from whence a number of the advocates for these new doctrines come, do not think the power contended for is in this house, or they would not with an amendment to the constitution. Mr. W. said, it was prudent for the people to watch the officers of government, but not to be too jealous so as to destroy the confidence reposed in them.

The gentleman from Virginia (Mr. Nicholas) said that commerce was partial to Great Britain; if so, said Mr. W. why is not something brought forward to restrain it? or did gentlemen suppose it would be proper to restrain them; he believed it would be an improper thing, he had always understood it was best to let commerce regulate itself. He would ask that gentleman what would his constituents in Virginia have said, if Congress had prevented them from selling horses to the English about two years ago, notwithstanding they were so frenchified, yet they sold the horses to the English, because they received a greater price for them. Again, why are those gentlemen dressed with English manufactures? what would they say if they were prevented from purchasing them? Hence, said he, the gentlemen should not prevent him from selling the produce of his farm to those who would give the most for it, and like them purchase the English manufactures, because they were the best and cheapest.

Gentlemen say, the constitution provides for the appointment of ministers by the President; but only gives him the power partially, because, say they, their salaries were to be fixed by Congress. Here said he was the check, the constitutional check, (to wit) this house shall say what was a reasonable compensation for the officers so appointed.

When the general convention met to form the present constitution, said Mr. W. no doubt but they had a view to all the different constitutions then extant, many difficulties arose at length an agreement was made between the great and small states, that the latter should have an equal representation in the Senate, which constituted one branch of the Legislature, and advice and consent were to be given by a quorum of this body to the nomination of all officers, by the President, who by the nature of his office would have the means of information from foreign powers. Thus the nomination of ministers—where to be sent—and of what grade, was vested in the President. So in the treaty-making power, this body being composed of an equal number, and power, from each state, in which the small states retained their sovereignty, and notwithstanding this, yet so careful was the convention, of this great power, that two thirds of this body was to agree to all treaties before they became the supreme laws of the land. Yet some of the members here, representing small states, are for giving up this sovereignty which was so strenuously contended for in the convention, and solemnly agreed to; and take the power from the Executive and Senate by a new doctrine, which if once obtained it would give a power to the representatives of four states to control at their will and pleasure, the remaining twelve states. This, said he, was evident, because the states of Virginia, North Carolina, Pennsylvania and Massachusetts had more members in that house than the other twelve states. Was this power in this house contended for by some, it would deprive the Executive and Senate of the appointment of diplomatic officers, or making treaties. For instance said he, the gentleman (Mr. Nicholas) had said he was for doing away all the foreign intercourse. Let us take it for granted that this was the case, and that we had no foreign minister, and no one was to be appointed previous to an appropriation—Congress adjourn—and a short time thereafter, the French directory should have come to their senses, they send to our government that they would do us justice, pay for the depredations on our commerce, discharge the debts due to our citizens, and would enter into a new treaty with us upon

principles of reciprocity. Would not this be a desirable object to treat with them? for although by the laws of nations we are not holden to any treaty at this time, because, when two nations enter into a treaty, and one breaks a part thereof, the other is not bound; yet it was a desirable object to be at peace with all nations. In this case, how would the Executive act? He must call congress together; this would take much time and be attended with great expense; yet this must be done. When Congress comes together they are informed of the business, but suppose a majority are opposed to a treaty being entered into with that nation, and will not agree to an appropriation—will not this prevent a treaty being made? and will it not be in the power of four states to control the other twelve states? Besides this, supposing the majority say we will appropriate but it shall be provided such a person and such grade. Let the gentlemen have the power they contend for this day, and they would not agree among themselves, much more the whole house, for says the mover, (Mr. Nicholas) I am for a minister plenipotentiary to France and England, a minister resident to Holland, Portugal and Madrid, says another gentleman (Mr. Claiborne) from Tennessee, the mover will agree for a minister plenipotentiary to Spain (by the way how in unison those gentlemen are) but says another member, a minister resident will do at Spain. So that by the gentlemen's own declaration, we could not expect any thing to be done, though their system was adopted. It would be attended with an infinity of expenses and delay, and in the end would reduce our republican system, by introducing an aristocracy, which would pave the way to absolute tyranny. To prove that the constitution would be rendered inactive, he would only instance a case in the legislature of New-York, in 1789. The two branches of the legislature, were of different political opinions, the one would resolve to appoint two characters, to represent that state in the Senate of the United States, but the other branch would not concur, they would resolve to appoint two others of a different political opinion. The consequence was, that no appointment took place until after a subsequent election, at which time both branches were of one political opinion. Hence, if the other states in the union had been in a like situation, the constitution of the United States would not have gone into operation.

The gentleman from Virginia (Mr. Nicholas) and others had contended that the different branches of our government had a check on each other, and they had instanced a law passed relative to the judiciary, who deemed the law unconstitutional and did not act thereon. But by this had they a check on the legislature? No. They did not act; and so in the case, when the call was made two years ago on the Executive for some papers relative to a treaty, did not the Executive refuse them? why? because said he, you have no constitutional right to them.— Thus we find that each body moves within its respective orbit. So if a sum is called for we appropriate what is deemed reasonable.

The mover of the amendment dwelt much on the debate, had on the passing the first foreign intercourse bill, in the year 1790; but he did not state both sides of the question. Some of the debates were the same as those used on a late occasion, especially the one by a gentleman from South Carolina (Mr. W. Smith) all the evidence however, we had on this subject was, that the law was passed, and had continued to be re-enacted by every new Congress since, it was something singular that this new discovery had not been made before now.

Much had been said relative to a minister being sent to Berlin; the President in his speech at the last session said, "It was a natural policy for a nation that studies to be neutral, to consult with other nations, engaged in the same studies and pursuits; at the same time that measures ought to be pursued with this view, our treaties with Prussia and Sweden, one of which is expired, and the other near expiring, might be renewed." This, among other subjects was then referred to a committee, and an appropriation made without debate or division, this, said he, was the time to have made the opposition. But it was said that a minister was not wanted at Berlin. He believed if gentlemen would reflect that minister was not only appointed to Berlin, but also to Sweden. Stockholm was not far distant from Berlin, and one minister had been sent to renew the treaties with both these nations. What had been done he knew not as there were no documents before them; but he thought it bad policy to recal him; if it was within their province until they were informed the treaties were renewed—because it would cost them 9000 dollars more as an outfit, in case he was recalled before the business was done. Beside, Berlin was a place to obtain much commercial and political information, so necessary at this time both for our government, as well as our other ministers at foreign courts.

He would not have said any thing relative to the minister lately near the republic of France, had it not been for two expressions which had fell from a gentleman (Mr. Nicholas) the one was that, that minister had been made a sacrifice of, and the other, that in that gentleman's opinion, peace with the French republic might have been secured, but the executive had done all in their power to cast it from us. With respect to the first, said Mr. W. if that minister had been made a sacrifice of, it must have been occasioned by his own conduct, for said that gentleman, another had been applied to, but expecting to be himself sacrificed would not accept. How came this gentleman to accept, said Mr. W. or had he not the discernment of him who refused; but as he did accept he ought to have conducted, as to have merited the thanks, not the displeasure of his country. If it was so, he was persuaded it had arisen from his own transactions.

The other expression was—"the execu-

tion had prevented a peace"—this he supposed must have been in consequence of the executive's opposing measures which were calculated to disturb the peace and independence of this country. If we look around us, said Mr. W. and had time to investigate this subject, it would be easily shewn, that the executive had acted right in not suffering this country to be drawn into a war with any nation; and if we must have a war (which God forbid) I hope it will be for refusing to depart from this principle; and whoever will impartially trace the transactions of our government, respecting the proceedings of the French nation and their agents will find that it has respected and preferred a uniform system of friendship, which justice to others, left us free to perform. The predicament of a neutral nation is peculiar and delicate, and imminently so while it defends itself against charges of partiality from one of the warring powers, least it should seem to palliate the misdoings of another.

Let us view for a moment, said Mr. W. the transactions of an agent from that Republic, and previous to his being acknowledged as such—his transactions which must be understood the acts of his government. Were they not calculated to involve us in war abroad, and discord and anarchy at home? And had not his acts and those of his confederates been counteracted, we must long since have been involved in a distressing war.— I ask, said he, what insults have been borne with from sentiments of regard to that nation! Because the established laws of our land would not permit the executive at all times to go the full length of what the representatives of the French republic wished, it was to be expected they would not ascribe the omission to any want of cordiality or friendship to that nation, but to the sovereignty of the law. Hence because the executive continued steadfast, in the principles of neutrality deeming that the interest of his country, and using his endeavours and preventing our citizens from embracing their hands in the blood of one nation, to gratify the hatred, or serve the interest of another. This drew forth an appeal from the French minister to the people, and hence we may date the accumulated difficulties we have experienced, and are now labouring under. Notwithstanding all these insults, the respect and esteem for that nation, and to shew them how much we respected their endeavors for liberty disregarding the insults of their agents, our government and citizens, to prevent them from starving, hastened to supply them with provisions, and anticipated the payment of all the debts which we contracted with them during our revolution.

But the appeal to the people and other transaction of their agent, created a party against the executive of fifty times the strength that the two classes mentioned by (Mr. Nicholas) who he said were in favor of executive measures. But before he went into a refutation of that gentleman's arguments respecting party, let us, said Mr. W. attend a little to what this sacrificed minister has done, or rather what he has not done. I ask, said he, what has been done, for injuries on our commerce under the authority of the French government, and their agents long before the treaty complained of? Of the spoliation and maltreatment of our vessels by the French ships of war and privateers—a distressed and continued embargo in 1793 and '94 at Bordeaux—the non-payment of bills, &c. drawn by the colonial administrations in the West-Indies—the seizures or forced sales of cargoes and applying them to their own use, without making satisfactory compensation—the non-performance of contracts made by their agents for supplies—the condemnation of our vessels and cargoes incompatible with the treaties between them and us? How many vessels have they captured, cargoes condemned! the freight and demurrage have been decreed to be paid by the committee of safety, has any thing been paid? How many millions value of property have they taken from our citizens without justice and without compensation! What then has this sacrificed minister done? I wish gentlemen would inform us what services he has rendered his employers. Another gentleman from Virginia (Mr. Brent) has alleged that we were indebted to this minister for the peace we enjoyed. This was a kind of peace however by no means agreeable: it appeared like a man attacking another unarmed and taking all from him, but declaring he wished to be in peace, tho' he must have what he wanted, and what he could get.

It had been observed by a gentleman (Mr. Nicholas) that he was sorry this minister had laid before the public all the official documents which had passed between him and the two governments. Mr. W. said, he believed that minister and his friends would indeed regret it before the citizens had done with it. That minister's book, and the remarks it had excited and would excite, would be read and duly considered. The people are the proper tribunal: give them time for reflection and they will always judge right. That gentleman (Mr. Nicholas) thus changed his ground and says he was sorry that a part of it was made known. Why not the whole? It was, said Mr. W. because of the breach of trust it discloses. Would the gentleman have only the fair and delusive portion of it published, and the dark and treacherous parts concealed? How could the people judge? They could not judge without having both sides. Surely that gentleman was for a call of the papers on a similar occasion; why not give the people every information now? Full and fair disclosures to the people will always lead them to correct and honest opinions.

That gentleman (Mr. Nicholas) had been preaching to the people day after day for some time; he began about two years ago. But were I by my preaching to lessen my hearers, I should be for changing my doctrine. That gentleman began with 63 followers, who are now reduced to 45. I hope the gentleman will continue his public in-

struction, for it has wrought miracles within these two years past. All I regret is, the loss of precious time, and a great expense. I hope however, this will lessen in proportion to his number of hearers.

Mr. W. had taken a short view of the proceedings of our late minister at Paris. He would ask the indulgence of the committee, to make a few observations on what had been done by our minister at London.

Here the prospect brightens. Eminent talents attention and fidelity, the interests of his country have flourished in his hand. When his aid is requested by those concerned in claims, it is instantly, and effectually afforded; not by the cold and distant medium of formal letters; he applies to the judges in person, is heard and justice is obtained. A recent instance of his interference, procured for a house in this city, upwards of 12,000 dollars. His demands and exertions contributed greatly to procure an act of the British parliament, appropriating 800,000 sterling, for satisfying the claims of neutrals, for spoliation on their commerce. Our country justly exults in her employment of this illustrious citizen. A sickening contrast is found in the comparison of him with that before alluded to.

Again, our minister there, seeing that the court of admiralty procrastinated and kept adjourning; by his attention and constant application to the lords in commission for appeals, has obtained an order that the court should positively sit in November last, and continue to hear and determine the cases as they lay on the docket. The above 12,000 dollars, though a clear case, had it not been for the minister, would not have been settled for a long time. This is for one house: no doubt but that others have received from the same source; hence we may with propriety say that our minister at London alone, has been the means of saving to the citizens of this country, more than all the diplomatic expense; and altho' this money does not go into the treasury, yet it adds wealth to the Union.

For myself, said Mr. W. were I asked as a farmer respecting the use there was for foreign ministers, I would answer that they were of little use, and the expense might be saved; but when he considered, that these regulations would have a tendency to promote commerce and thereby create a competition in our markets, in the sale of our agricultural productions, and the farmer as well as those concerned in the fisheries, would gain in their prices of what they had to dispose of, he was led to believe, that commercial regulations, to a certain extent, were necessary. But it had been said that consuls would answer all these purposes; he did not know, nor had he read of much respect being paid them in any country, excepting where such country had factories.

The British had a factory at Petersburg, in Russia, in Lisbon, at Smyrna and Aleppo, and he believed at Leghorn; in these places, the consuls are considered as men of consequence, and no British subject can be arrested for a crime, until he is tried and condemned by the consul, who acts as a judge, and if found guilty, he is then delivered over to the officers of justice of the country. We have no factories abroad, and our consuls are chiefly selected from among the merchants whose chief aim in accepting the appointment is to promote their own interest as merchants. And if these men were obliged to dance attendance on account of business to the different secretaries of state in the European courts, they would lose their time and business, and of course must receive salaries. It will be admitted, that their salaries would not be so great as that of a minister, but it must be remarked also, in the foreign courts of Europe, where etiquette is considered as necessary, and from custom, is become essential: what a minister could effect at one audience with the minister, a consul or consul-general, would have to attend or send to the minister fifty times, before he could gain admittance, and complete. If said he, no minister was kept at a court, and the business was to be transacted by a merchant as a consul, after having travelled some distance perhaps, he must lose much time merely in the parade of attending levees of the sovereign, his ministers and different secretaries of state; as also the parties of the different foreign ministers, in order to gain the countenances of some of them to assist and facilitate his intercourse with the prime minister of the court at which he resides as consul. It was true the British consuls at Elfenaur, at Dantzwick and Hamburg were of importance, and respected, but what made the consul at Elfenaur of importance was, his superior income as consul, and the high stile he was able to live in. For the consular office at Elfenaur, from his commissions on advances of paying the toll fees of the Baltic, and his consular signatures to their certificates was considered as an income of 12,000 ster. per annum—and this sum was more than all our foreign ministers had, previous to the commissioners sent to France; but as long as the European ministers are sent here, the balance is in our favor; as they expend more in this country, than our ministers are enabled to do abroad.

Here Mr. W. said, he would sit down, was it not for some observations which fell from the gentleman who moved this amendment (Mr. Nicholas) respecting the origin of party, who, he said, had thrown the present existing influence into the hands of the executive, and were the means of pursuing it. To prove this, that gentleman had adverted to the funding the domestic debt, which he said, was probably done to produce a party in the United States, who would support the executive. This act, Mr. W. observed, was passed on the 4th August, 1790, at a time when nine tenths of the evidences of the domestic debt were in the hands of the speculators. But what had the executive to do with it? If, said Mr. W. the executive had intended that funding the domestic debt would have con-

tributed to his influence, and he was so disposed, the executive would not have caused the debt to be funded, so as to take it out of the hands of the many, to be put in the hands of a few, as that gentleman had said; but would have arranged that business, as that the debt when funded, should have remained with the greatest number possible, because the greater the number, the more the influence.

Mr. W. said he was as much opposed to the funding system as that gentleman, nor had he ever any thing to do with it; but as the faith of the nation was pledged for the payment we were bound by honor to do it in the best manner we could. He believed, however, the executive had no hand in it. He was convinced that at that time there were great speculations on all sides, some wished for the funding system, others for the Penobscot expedition, and the building the frigate in S. Carolina, authorized by congress to be paid for by the United States—some wanted the permanent seat of congress where it was fixed; and others agreeing to it to have a temporary residence of congress here; but what had the executive to do in all these matters? This Mr. W. said he knew was done—New-York lost the residence of congress, and in the settlement of accounts that state was charged with upwards of two millions unjustly, which he hoped would never again be called for, because it was not due. The next class that gentleman took notice of which added to the influence of the executive was, those unfortunate persons who were opposed to our revolution. These people, said Mr. W. were men of different classes, some of them were opposed from principle and others from fear and to gain favor. But at the close of the war, they were mostly driven from our country, and perhaps there was never a worse policy adopted. If we had let them remain, as they were generally men of property who were thus ordered away, our debts might have been much lessened, and as they are mostly allowed to come back, the misfortune is that the money they had was nearly exhausted previous to their return. But ought those to be arraigned for their conduct, because they wish to support the government under which they live. No—he conceived they were to be commended.— Their supporting government in a peaceful manner was a valuable trait in their character.

Mr. W. said as those two classes of men, were brought into view by that gentleman, as the supporters of the executive power, he would beg the indulgence to mention some of those classes, who have been the opposers.

When the constitution, said he, was first made known, it of course engrossed the public mind. Reason, prejudice, and passion, equally prompted the discussion of it—and the citizens were nearly divided for, and against it. Thus it went into operation. In its organization there were numbers of candidates to fill the offices, hence many were disappointed, some of which we have reason to believe have continued their opposition in consequence thereof to the present time. In addition to this, when the French revolution commenced, and because the executive maintained a uniform system of neutrality, and would not suffer this country to be drawn from the full tide of prosperity, upon the shadows and miseries of war, on the part of France, how many of our citizens were there who endeavoured to lessen the well earned confidence of the executive, and render his administration unpopular; our youth fired with ambition to enter into the French service, and urged, not only by those of the party, but also those who by misfortune or luxurious habits had outlived their fortune, as well as others who for interest were anxious to have this country engaged in a war. In addition to this, how many had been engaged by the French agent, and commissioned to go against a nation with whom we were at peace, as well as those engaged in fitting out privateers. Add those who were engaged in a lucrative commerce with the inhabitants of St. Domingo, and who were checked by the British, who would not suffer the commerce to be carried on in the manner not permitted by France in a time of peace. And to crown the whole, what party was created when the proclamation was issued relative to the neutrality? And altho' this was approved of by men of the first abilities, and by those who are looked up to by the advocates of the amendment, but who are in the opposition to the executive, yet it created innumerable opponents to the executive, because private interest overcame public good.— And notwithstanding the executive had done all that was consistent for the French nation, keeping in view our neutrality and to maintain peace, yet the minister of that nation appealed to the people—and although the executive was pursuing every prudent measure for the good of the people, and to prevent a war, yet what an opposition was formed fifty times as strong as the two parties mentioned by Mr. Nicholas, and had it not been that a wise providence who over-ruled all things, and human prudence in the executive, we must at that time have been drawn into a war. The yeomanry of our country seeing the feelings, and that the opposition arose from interested views, they, in far as my information and knowledge extends, although they were at first opposed to the constitution, fearing a new revolution, engaged on the side of government. This assertion is verified, if we take a view of the state of New-York, and the Eastern states; for when the constitution took place, three fourths were opposed to it in the northern and western parts of New-York, and now three fourths of them are attached to its support. And why was this change in the great commercial cities? because the executive prevented that privateering and illicit commerce which must have involved us in a war abroad and discord at home; but, for a momentary benefit, numbers have opposed the executive, and in consequence thereof a great opposition has appeared.

An observation, said Mr. W. was made the other day by the gentleman from Pennsylvania, (Mr. Gallatin) and he was sorry to hear it, that although the majority here was for the executive measure, yet the people said he are with us. This idea had, in his opinion, created all our past and present difficulties; and what had led him to this opinion was, that when the French minister came here in 1793, his actions were such as though he depended on feeble minorities and the people with us. Who was it, said Mr. W. that told the French nation these things that induced them not to infract their minister thus to act? Was it not the feeble minorities and the people with us? His pursuing the measures he did, and previous to his being acknowledged by our government, confirmed him in this opinion; for, the French minister would not have had those instructions, nor have pursued those measures, unless the French na-