

raised. The only question at present was, whether, from a constitutional doubt which had no foundation, the house would refuse to give the President the power proposed, and by that means delay the raising of men, until the President should call Congress together, which would be at least two months after the danger appeared. In his opinion, this was no time for making these constitutional scruples, he thought the power ought to be given, or the army immediately raised. Indeed no army could be raised without giving to the President a certain degree of power. For his part, he thought as much discretion was given to the President when an army was ordered to be raised immediately, as in the mode proposed by this bill. And the power to raise an army, when a certain contingency shall take place, was by no means equal to the power placed in the President, of commanding the army when it is raised. Mr. O. hoped therefore the session would be retained.

Mr. M'DOWELL was much better pleased with the amendment proposed by the select committee, than with the bill as it originally came from the Senate; but he had objections to the amendment on constitutional ground. He believed the power of determining the fit time to raise an army was vested in Congress, and could not be transferred. He did not wish to put it in the power of the President, or of any other man, or body of men, to appoint a large number of officers, and create a very heavy expence without necessity. Especially when he saw, from the communications which were before the house, that there was reason to believe, that if this power was given, the President would immediately appoint officers, and proceed to raise the men. If the situation of the country requires an army to be raised, he wished gentlemen to say so, and propose a resolution to that effect. For his own part, he did not believe the present situation of the country required it; but that the Militia was equal to the defence of the country, at least in the first instance. If we were invaded by a formidable foe, an establishment of the kind proposed, and to a much greater extent, might be necessary. But the gentleman left up says our Militia are wanting in discipline and arms, and indifferently officered, and therefore an army is necessary. He could not see himself how a change of name could make any difference in the competency of force. It was neither bounty, nor a coat that could make a soldier. If an invasion takes place, the Militia must be relied upon at first. As to what the gentleman had said about the Militia being badly disciplined and officered, it might in some respects be true; but so far as it related to the Militia of N. Carolina, he would tell that gentleman that whoever were his informants, that the assertion was not correct. The Militia of that State had, in most instances, been able to repel any force which had come against them, with the assistance of but very few regulars. But suppose the gentleman had his 10,000 men, when they were distributed to different parts of the Union, it would afford but a small number to each, and the Militia must at least principally be depended upon. Except gentlemen wished, therefore, to saddle the country with a standing army, he thought they ought not to vote for this bill, as they must see how difficult it is to get rid of any force which has once been raised. Let them also recollect how much the appointment of a great number of officers in the army would increase the influence of the Executive, and consequently the dangerous effect it would have upon the liberty and independence of the country. The expence was a very considerable object, but that which he had last named was, in his opinion still greater.

Gentlemen had spoken of the conversations which had taken place betwixt X, Y & Z, and our envoys in Paris, which they seemed to think threatened great dangers to this country. He owned he relied but little upon that unofficial information, which he could not consider as coming from the French nation. If the opinions of individuals in any country were to be taken as acted upon as the opinions of the nation of which they have formed a part, we should be continually in error; this might be judged of from what we see at home, for if the opinions of some individuals in this country, or the opinions which are issued from some of the presses here, were to be taken as the opinions of the country, and acted upon by the French government, we should think it a very extraordinary procedure. For his part he did not rely upon these communications, and he was persuaded this country would be secure from an invasion from France, from its not being in her power to undertake it, and if it were, that it would not be her interest to attempt it.

One word Mr. M'D. said, with respect to the militia, and he had done. The gentleman last up said it was impossible that they could contend with old veteran troops. That gentleman, he believed, had himself never had any experience in fighting, and he depended too much upon names. He himself was acquainted with instances in which our militia had over-topped the greatest veterans; and if this was not sufficient, if the gentlemen would recollect that some of the most brilliant achievements of the French armies, were accomplished by new, undisciplined troops, he would no longer insist upon his opinion that we must have a standing army to meet an invasion.

Mr. HARPER could not persuade himself that the arguments adduced against the unconstitutionality of the present bill, were capable of a serious reply; but with respect to the expediency of the measure, he thought there were some considerations worthy of notice, which had not yet been laid before the committee.

Gentlemen opposed to this measure, are constantly contrasting the services of the militia with those of regular troops. Nobody has said that the defence of the country ought to depend upon regular troops entirely, or upon the militia entirely; yet gentlemen argue as if the question was whether the country should be defended by the one or the other. They gave the force proposed to be raised, indeed, a name which does not belong to it, viz. that of a standing army. Was a body of troops raised only for three years, to be called a standing army? A regular force and a standing army are quite different things. A standing army is wholly in the power of the Executive of a country, and not liable to be put down; such an establishment would be alarming in this country, and it had been effectually prevented by the constitution, which declares that no appropriation for an army shall be made for more than two years.

Mr. H. said, he was strongly impressed

with the usefulness of militia; he believed they were the great strength of this country; but he did not believe they could be called into service with sufficient promptness, without the aid of regular troops, and gentlemen who speak of their experience cannot controvert this point. They say the militia might be called out to meet any predatory attack; but experience did not confirm this. It was well known that in sparsely settled countries the militia could not be promptly called into service; in compact settlements, he knew the contrary was true. In that part of the country where this defence was most wanted, the settlement is very thin, and the militia not being used to act together, would, at first, make but an indifferent defence. In the late war the militia were almost constantly intermixed with regular troops, and he would not stop to say how often they were defeated notwithstanding.

It was also well known how long it took to organize these troops, and how much the enemy gained on account of these delays; yet we are to say, because our militia are brave, and the people are attached to their liberty, no other troops shall be employed in the defence of them but the militia. He knew that the people were attached to their rights, and would defend them; but he also knew, that something more than a disposition to do it was necessary; they must have skill, and what is more important, they must have commanders. He himself belonged to one of the best corps of militia in South Carolina, which, though composed of persons who had the greatest stake in the country, wanted discipline, and was far from being prompt in obedience to orders. Indeed, he believed the militia only wanted the habits of soldiers to make them equal to regular troops. But gentlemen say, that there is no danger of an invasion from Europe, as France had neither troops nor ships for the purpose, being wholly engaged in her project against England. But are there no Frenchmen but in Europe? Did gentlemen look at the situation of the southern states? It was true the gentleman from Virginia (Mr. Brent) had taken upon him to say that he would be responsible for the safety of the southern states, from the militia alone; but, though that gentleman might be well acquainted with the sea-coast of Virginia, he believed he knew little of that which we call Charleston and Savannah. It was disagreeable to him to point out the weak places of the Union, nor would he have done it, had not gentlemen spoken of the safety of that coast. Mr. H. then mentioned several places where attacks might be made with facility and success. We know, said he, that Victor Hughes and Toussaint have each of them considerable force, and though not sufficient perhaps to expel the troops from St. Domingo, they might be sufficient to send against our southern coast, and do considerable damage before any opposition could be made to them; except we had a few thousand regular troops stationed in that quarter; and if they were to get possession of Savannah or Charleston, they might do immense mischief before they could be dislodged. He believed it would be wise to prevent this mischief, and that would be most effectually done by giving the President the power proposed.

Besides, some regard was due to the feelings of the people in that part of the country; they are alarmed on account of their situation, and wish Congress to take some measures for their defence. If they find the President is vested with the power of raising an army, they will be satisfied; but if they find themselves abandoned, however attached they may be to the government, this attachment may be destroyed by neglect. The gentleman from Pennsylvania may rest securely on the banks of the Monongahala, and the gentleman from Virginia in the thick settlements of that country, but they ought to recollect also the situation of these exposed people, and provide for their safety.

The Committee had been told by the gentleman from Pennsylvania that there was no danger to be apprehended in the Southern States, as the white population was equal to the defence of that country; but if he was well acquainted with the sea-coast of that country, he would know that the black population on the sea-coast is very great, and that there is a large tract of country full of swamps and marshes between them and the white population, and that if once the blacks made a lodgement in these marshes, it would be difficult to drive them off. The people in this quarter expect, therefore, in any emergency, to receive aid from government; and unless they see a measure of this kind agreed to, they will be disheartened and their confidence in the Union will be much weakened.

Mr. H. concluded with hoping the motion to strike out the section would be negatived, as the force would not be called out without necessity, the President having to answer for his conduct on his responsibility; and if there should be imminent danger of an invasion, no one would say that this force ought to be called out.

A motion was made for the committee to rise.

Mr. N. SMITH hoped the committee would not rise. This subject had already undergone one day's discussion and he doubted not by this time every gentleman had made up his mind on the subject. He wished, therefore, the question might be taken.

The question was then put on the committee's rising, and negatived 48 to 35.

Mr. R. WILLIAMS then rose, and said if the committee were determined not to rise, he supposed they would be willing to attend to what was said on the subject. He could not have conceived that this question could have turned so much upon the disposition of members as to the propriety of defending the country. To discover which was the best way of defending the country, whether by a regular army or by a militia, was a subject well worthy enquiry. In that point of view, he should consider the question; and therefore hoped that nothing which he should say, would be ascribed to a wish to oppose

any measure for the defence of the country.

The gentleman from South Carolina had endeavoured to make a distinction betwixt the army proposed to be raised by this bill and a standing army; but immediately after, his arguments showed that he considered it in the same light as a standing army, as he said nothing short of this could effectually oppose an invasion of the country. For his part, he could not see how the calling these men a provisional army could make them so much more effective than in the form of militia. But the gentleman says, it is necessary for militia to have regular troops to lean upon. He believed they were not the kind of defence which the people would wish to lean upon in case of an invasion. On the contrary, in such a case, he believed every man would wish to defend himself and family.

Mr. W. said, who are the persons intended to compose this provisional army? Are they men who have more natural ties to the country than those who compose the militia? No; they are taken from the streets of large cities; many of them are men without any attachment to the country at all, and perhaps possessed of but little principle. He must, therefore, give the preference to militia.

Gentlemen say this army is to be raised at the discretion of the President, and that it will not be formed unless the circumstances of the country require it; yet, at the same time, they go on to point out parts of the country which at this moment stand in need of defence. It therefore appeared to him, that gentlemen were of opinion that if this law passed, the President would immediately raise the men. The gentleman from S. Carolina says, he has received letters from his constituents speaking of their alarm. He had also received letters, but his constituents request that arms and ammunition might be furnished them, not that a standing army should be sent to defend them.

It was said, that this bill ought not to be objected to on constitutional ground, as Congress frequently empowered the President to do business which the constitution had vested solely in them; but gentlemen make no distinction between Congress determining a thing shall be done, and leaving it to the President to determine whether it shall or shall not be done. No person has said Congress could not authorize the President to raise an army for the defence of the country; but it was denied that the power could be transferred from Congress to him, to determine whether it should or should not be raised. Mr. W. believed the transferring of power from one department to another, was not only dangerous but embarrassed the proceedings of government. And it was also observable, that every instance of this kind was produced as a precedent for future deviations, and all objections to such a proceeding were opposed by saying, "it had been done before."

Mr. W. said, if Congress had a right to transfer this power, he wished gentlemen to show why they could not also transfer the power of declaring war; as they had not yet shewn this, though before called upon to do it. Indeed, he should not be surprized if this power should be asked for on some future occasion.

The only difference which Mr. W. could see betwixt the provisional army, when raised, and the present militia, was, that the former would have its officers under federal authority, and in the latter they would be appointed by the states. The men would in general be the same. What did this go to, but to say that the militia is not to be trusted under their present officers, there must be officers fixed by the general government.

The gentleman from Connecticut (Mr. Dana) had quoted several clauses of the Constitution, and made some criticisms upon them, and had endeavoured to make the supporters of the present motion ridiculous, by representing them as wishing to turn the members of this house into recruiting sergeants, brokers, tax-gatherers, &c. In doing this, he believed he had suffered himself to metamorphose the Constitution, so as to make it mean any thing or nothing, instead of construing it in a liberal manner. The same gentleman says, he should have no objection to raise the proposed army immediately, but the expence. Was it not rather that he wished to place a power in the President to exercise, which he supposes he will immediately exercise, but which he apprehends Congress would not be prevailed with to exercise at present? For his own part, if an army was to be raised, he wished to raise it in the way pointed out by the Constitution. It was said that if this army was raised, it might at any time be disbanded, when it should cease to be wanted; but when he heard gentlemen say they wished this army raised to consist of 50,000 men, than 10,000, and knew the difficulty attending the breaking up of any thing which was once established, he was desirous of avoiding a measure which he believed to be wholly unnecessary. The geographical situation of this country, said Mr. W. is such, that a standing army of 200,000 men would not be able to defend it. It was idle, therefore, to suppose the country could be very much benefited by the raising of 10,000 men.

But the gentleman from South-Carolina (Mr. HARPER) still speaks of the men being necessary for the defence of the southern country. That gentleman may think them necessary for the defence of some part of his state, but he could not believe them to be necessary for the defence of any part of the state to which he (Mr. W.) belonged. His constituents never wished to see a standing army sent amongst them. Instead of looking upon such men as their defence, they would consider them as the greatest curse that could come upon them. Why, then, will gentlemen continually insist upon these men being wanted for the southern states, when no member from those states will say they wish to have them, except one gentleman (Mr. HARPER). And though the gentleman from Massachusetts (Mr. OTIS) was so obliging as to say he should wish to take the

same care of the southern states as the eastern, he could assure that gentleman he might make himself perfectly easy as to their safety.

Mr. W. concluded with repeating his hope that the section would be struck out.

Mr. FINDLEY said this bill certainly proposed a transfer of power to the President, which was lodged by the constitution in Congress, and therefore he was opposed to it. The gentleman from South-Carolina denied that the army proposed to be raised by this bill could be considered as a standing army, because the bill was only to be passed for three years. Upon the same ground it might be said, that Great-Britain has no standing army, as their military establishment law is passed annually. Mr. F. was of opinion, that if this bill was now passed, the men could not be raised; the officers, he had no doubt, would. At the commencement of our revolution, when every breast glowed with enthusiasm in the cause in which we were engaged, there was a difficulty in getting men. We might, as he had said, get an army of officers, but would they, when got, be equal to the militia officers? He doubted it. If the army was to be increased, it would be necessary to increase the wages of the men. Militia, he said, was the natural force of the country, and the raising of 10,000 men would not prevent them from coming forward in defence of their country, when danger appeared. He was himself got too old for service, but he had sons whom he believed would be ready to fly with their fellow citizens to the defence of their country in case of invasion.

After a few words from Mr. DAVIS in favour of the committee's rising, and from Mr. N. SMITH against it, the question on rising was put and carried 45 to 36.

Adjourned, half past four.

FRIDAY—MAY 4.  
Debate on granting leave to Mr. Pinckney to receive certain presents.

(Continued from Saturday's Gazette.)  
Mr. W. Claiborne submitted to the gentleman from Delaware, as a lawyer, whether the committee could gather, from any thing before the house, that these presents made by foreign courts, consisted of chains or snuff-boxes? He owned he could draw no such conclusion for himself. But whatever the present may be was immaterial to him in the present question, because he was convinced that nothing which an European monarch had in his power to give, could lessen the patriotism of our late minister, or alienate his affections from his country. It was not to the amount of the present, and whether it was a snuff-box, or any thing else, which was a thing of no consequence, and ought not to have been named. He objected to the principle of our foreign ministers receiving presents at all from European monarchs; this principle he looked upon as the more dangerous, because it opened an avenue to foreign influence—an influence amongst monarchs, too, which has always proved the destruction of Republics.

Notwithstanding what had fallen from the gentleman from Delaware, he was convinced the gentleman from South-Carolina would not think himself authorized to receive these presents, without the authority of Congress, were they offered to him as a private citizen, as they were certainly meant as a compliment to him as minister. As to what had been said by the gentleman from Delaware, with respect to the present of a snuff-box, or picture, being precedents which would lead to the granting of titles, what he said, was, that the precedent would authorize the application for leave to accept of a title, at some future period, which would introduce a discussion on that floor, whether it ought to be received or not, and thereby disgrace the country in the eyes of every enlightened citizen.

Mr. Thatcher was in favour of the resolution. Gentlemen seemed opposed to it on the ground of its establishing a precedent for the future. He did not think this objection founded; for, as the constitution does not absolutely forbid the receiving of presents, the discussion on the propriety of allowing it in future would not be prevented by the present decision. Future houses could refuse or grant leave to receive these presents, and the constitution did not absolutely take away the right. He considered the gentleman who now applied to Congress as having a natural right to receive a present except some reason was shewn to the contrary. Gentlemen allow they knew of no special reason; they allow the applicant has done the business with which he was entrusted, well. He supposed, therefore, that gentlemen must themselves vote for it, except they abandon their own ground.

But the gentleman from Tennessee had said, the resolution ought to be disagreed to, in order to stop the avenues to corruption from foreign courts. For his part, he could see no connection betwixt a decision on this question and corruption; for whether it was agreed to, or disagreed to, it would not take away the power from ministers to receive presents, if they were so disposed.

But it was said, that to agree to this resolution, would lead to the granting of titles. Suppose, said Mr. T. a title should be applied for, and leave granted, and a foreign power should create a duke or a count of a citizen of this country, what could it be, but to make him and his posterity for ever ridiculous? As he saw no evil which could arise from agreeing to this resolution, he should vote for it.

Mr. R. Williams hoped by the vote of this day, the house would get rid of future applications of this kind. When the subject was first introduced, he was opposed to it; but, if the question had gone off without debate to-day, he intended to have voted for it. From the discussion which had taken place, however, he was convinced it was a subject upon which they ought not to legislate, since the acting upon it, would produce greater evils than the constitution had provided against. He believed they ought here to put a stop to the business. If not, he would rather that our ministers should be

at liberty to receive all the presents offered to them, than that the thing should stand upon its present footing.

The gentleman last up, had endeavoured to shew the determination upon the present question would not set an example for the future. It was his wish to fix a principle upon this subject, and he had no doubt this decision would do it.

It had been said, that the gentleman who made this application, had a right to receive these presents, without this application. Why, then, was the application made?—Ought Congress to be called upon every year to discuss questions which would cost the Union 2 or 3000 dollars every year, if the right of receiving the presents existed independent of Congress. This, he believed, would be spending the money of the public in a way which would not be very well approved. As this was the first application which had been made since the existence of the present government, for this leave, it was the proper time for Congress to say, they will, or will not countenance the practice of receiving these presents. Our ministers, he said, would be obliged by such a determination, as if the decision was against the practice, they would no longer be troubled with the offers of presents, or if they had them offered, they could, without hesitation, decline the acceptance of them; but, if this was not done, there would be no end of the business. If this motion should not be negatived, if he should be here, another session, he would propose the passing of a law to authorize our ministers to receive these presents, except there should appear some particular objection to such a law.

Mr. Lyon said, he had heard much about American feelings. He had some of those feelings himself, and they taught him neither to approve directly or indirectly of the practice of foreign governments paying our public agents. If the gentleman from South-Carolina had not been well paid for his services, he should be willing to pay him more; but he should not be willing to lay this country under an obligation to a foreign country, by our ministry accepting of presents, or to make similar returns to their ministers. It was said, the gentleman from South-Carolina might receive these presents now, without the consent of Congress. If he chose to risk his own character by doing so, Congress had nothing to do with it; but for Congress to authorize any such thing, in his opinion, would be a shameful business.

Mr. Bayard would tell the gentleman from Tennessee on what authority he informed the committee that the presents in question consisted of what he had mentioned. Being upon the committee to whom this subject was referred, he made some enquiry as to what were the usual presents, from the European courts, and found, that in Holland, it was customary to give a gold chain and medal; in France, a gold snuff-box; and in Spain a picture. It was on this ground that he said these things were of no consequence. Mr. B. then remarked upon what had fallen from Mr. R. Williams, with respect to the expence incurred in discussing this subject, and said it had been owing to gentlemen opposing the resolution that so long a discussion had taken place, as to the law which that gentleman proposed to introduce, he must see that the constitution would not admit of such a law.

But some gentlemen were opposed to this resolution, because it was supposed the United States would be obliged to reciprocate the favor to ministers who were sent to this country; and some gentlemen had seized the occasion of saying that few of these ministers were deserving of any such present. But because these gentlemen may be dissatisfied with the conduct of foreign ministers resident here, they ought not to injure our own minister, whom all allow as essentially served his country. He did not think this the proper place to discuss the propriety of making presents to foreign ministers. When Congress were called upon to act in this matter, then would be the proper time for gentlemen to make their stand upon it, and say the allowance should, or should not be made. He did not think the thing followed of course. He hoped, therefore, the resolution would be agreed to. (To be continued.)

*\*\* The SEVENTH VOLUME of this Gazette has been lent by the Editor—to whom is not recollect'd; it is requested it may be returned.*

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A neat Country House,  
THREE and a half miles from the city, on the Wilkison road, with seventeen and a half acres of land, half in orchard and half in grass.—Apply to EDWARD BONSALL & Co. in Dock Street, or to the subscriber at Mount Pleasant, on Schuylkill, adjoining the premises.  
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A few hhd. of excellent St. Croix SUGAR and RUM, which will be landed at Willings and Francis' wharf next Monday, the 27th instant.  
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