

To the Committees of the Senate and House of Representatives, unto whom are referred the Address of the Select and Common Councils and the Memorial of the Citizens of Philadelphia, requesting an enlargement of powers and a grant of efficient aid to the City Corporation for the purpose of obtaining and introducing a supply of good water into the city.

GENTLEMEN,

AS a Memorial of the President, Managers and Company of the Delaware and Schuylkill Canal Navigation dated the 21st and presented to the Degillature on the 22d instant, hath been attentively considered by us, and as its obvious tendency seems calculated to frustrate any views of the City Corporation for obtaining a supply of water, except through the medium of that Company, it appears highly proper for us to offer some remarks thereon, and to prevent or remove any incorrect impressions which may take place if unnoticed.

This Memorial after making mention of the exertions of that Company to complete the Canal, referring the communications to the Legislature on the subjects of their progress and the difficulties they had labored under from sundry causes, as well as to their applications for aid, and after reciting their authority, to supply the city of Philadelphia with water from the Canal, and their power by virtue of the 3d section of their act of incorporation, to take water from any of the streams lying within 8 miles distance from the North Bounds of the City between Delaware and Schuylkill, &c. proceeds to mention a negotiation which commenced between the City Corporation and the Canal Company in December 1797, quoting and connecting separate parts of a report made to the Select and Common Councils by their Joint Committee in a manner that, with the general context of some other parts of the memorial, has a tendency to give this negotiation the complexion of an attempt on the part of the Select and Common Councils to form an union of the City's and Canal Company's interest and resources for introducing water by a completion of the Canal.

Though the quotation of the separate parts of that report is correct as to words and sentences, yet their connection and different arrangements, together with the general context of the memorial on this subject, present a view foreign to the object of the Councils; true it is the printed report of the Council's Joint Committee is referred to, and that a recurrence to it would furnish correct information, but as there is little probability, that those who have heard or read the Memorial will have an opportunity of examining the report referred to, that mistakes and misapprehensions may be avoided, it becomes proper for the true understanding of this business to state

That though "no method then appeared" to that Committee "so well calculated to ensure" the introduction of water into the City as the completion of the Canal, they nevertheless neither contemplated or recommended any union of interests or partnership with the Canal Company, but "on the contrary after stating that the Stockholders had rejected the proposition to alienate their right to water the City for \$50,000 and also another proposition, viz. That the Stockholders should convey three fourths or the whole of their stock to the City on receiving payments of monies advanced on such stock with interest, &c. and that the Stockholders had in turn proposed the City Corporation's purchasing shares and appointing Managers in proportion to the stock they might hold - The Committee say

With respect to the proposition of a purchase "of half the stock, it appears to us inadmissible, many difficulties and objections present themselves, your committee will only mention the following; a perfect harmony among Managers, having different interests to watch over could not be expected; jealousies would hereafter arise, and the object of watering the City might be defeated, or at least procrastinated, a number of years - Besides, the premium of 10 per cent. on the capital expended for watering the city, would not be relinquished, and is it not the duty of the Corporation to extinguish this premium, which in the opinion of some of the Stockholders will alone double the value of their stock, and in a few years operate as a direct tax on our Fellow-Citizens, equal, if not superior in amount to what is now paid by them for all the purposes of the city. Upon the whole, your committee are of opinion, that an application be made to the Legislature for a grant of the duties upon the sales at Auction, and in case this is obtained, a purchase of the whole of the stock of the Canal should be effected and an immediate attempt made to carry on the work by small and judicious contracts under the superintendance of an engineer of approved talents and integrity.

The Select and Common Councils fully appreciate the value and importance of navigable Canals, to the interests and prosperity of both city and country: and believe their promotion and encouragement by every prudent measure, countenance and aid, is well worthy the attention, not only of the Commonwealth and of the City Councils, but of every citizen who wishes the growth and advancement of the commercial wealth and prosperity of Pennsylvania. But considering the distresses the citizens of Philadelphia have sustained from the prevalence of pestilential disease; the impending ruin threatened by its annual return, and that the introduction of pure and wholesome water, in the general belief, promises to be one of the most effectual remedies, this object alone hath become paramount to every other inferior consideration, and therefore the Select and Common Councils at this time, confining their views to the health and safety of the city only, are de-

termined that this is a matter of primary importance, shall not by any act of the Legislature be made in any degree dependent on the completion of a navigable Canal, as it may totally defeat the desired object or protractate its attainment for a length of time, ruinous to the welfare of the city. They are desirous, (if the necessary powers and aid are granted to the City Corporation for the purpose) to introduce waters, not only for washing the streets, but suitable for drinking and culinary uses; such, as for that end may be desirable to the great body of their constituents - and to introduce them by such modes and means as on mature examination shall be found, not only most effectual, but at the same time, most conducive to the advantage of the citizens of Philadelphia, in all respects unconnected with any view for the promotion of private or partial interests whatever.

Without better demonstration than hath yet appeared, the City Councils do not admit that the waters of the Schuylkill conveyed by means of the Canal is the only source of supply, or the only tract of conveyance. If the aids are granted and the management shall be committed to them, the Select and Common Councils wish to be left unrestrained in the choice of sources of water and modes of conveyance guarding and referring to the Canal Company unimpaird all the rights and privileges arising out of their act of incorporation; and should the medium of the Canal, prove, on the result of investigation, the only practicable, or (under a full view of all circumstances) the most eligible means whereby the intention of watering the city can best be answered, the City Councils on such eventual result are desirous they shall be then at liberty to apply the funds committed to their trust to purchase the whole stock of the Canal Company, and to complete the Canal, with the special view however, that the profits, (if any shall arise out of the tolls thereof) shall in the first instance be applied to reimburse the costs and expenses of construction and completion, and thereafter to be applicable to no purpose other than the creating of a fund for the purpose of aiding the completion of the Susquehanna and Schuylkill Canal, and for the further purpose of gradually extending the chain of Inland Canal Navigation from time to time to the connection of the western with the eastern waters of this Commonwealth.

It hath been a favorite Theory that public advantages are best promoted and obtained, when it is made the interest of private persons, or associated companies to advance the public good. The history of companies incorporated on this basis in Pennsylvania, since 1791, gives the evidence of experience, that the theory should be received with some caution, and that it cannot be safely admitted without some limitation. In the present instance, it now rests with the Legislature to pursue that speculative policy with the aid of Legislative grants, or to try the effect of promoting the public good on the basis of public spirit; that is, to obtain the means, or necessary capital, for carrying on and effecting a great work of public utility and public safety, by providing and appropriating Funds to ensure the punctual compensation of legal interest, and to secure against loss in preference to incitements for risk, on a view to the contingent compensation of extraordinary profit.

We here will conclude with observing, that in preferring their request for aids to enable the City Corporation to introduce a supply of suitable Water into the City; the Select and Common Councils have been entirely governed by a strong desire to promote the Health and Safety of the City, without views of personal or private interest or advantage whatever. They trust the Legislature, under a conviction of the necessity of the measure, will, with a liberal hand, promote the wishes and exertions of the Citizens of Philadelphia. And the City Councils having discharged their duty so far as to request the necessary aids, and to offer every exertion, which means in their power, or means which might be granted to them would permit them to make, now submit the business to the wisdom of the Senate and House of Representatives. Anxiously solicitous only that the great object of a supply of pure and good water for the City may be effectually attained, by whatever agency the Legislature may deem it proper to devise.

JOHN MILLER, JUN.
THOMAS CUMPTON,
H. SIMS,
HENRY DRINKER, JUN.
DANIEL SMITH,

Joint Committee of the Select and Common Councils, appointed to present their Memorial, and attend to its objects while before the Legislature.
December 29, 1798.

The Creditors of SAMUEL RUTTER are informed, That the Trustees will continue to attend at the House of Christopher Thompson, in Robeson Township, Berks county, on the 28th and 29th days of the present month, and on the 8th, 9th, and 10th days of January next, in order to receive proof in support of their respective claims - And at Norristown for the purpose, at the house of Jeremiah Wills, on the 11th and 12th days of February next, of which all persons concerned, are requested to take NOTICE.

ALL PERSONS indebted to the said SAMUEL RUTTER, previously to the 30th day of June last, are informed that, unless payment is made to some one of the subscribers, before the 1st day of February next, suits will be commenced against them without respects of persons.

SAMUEL BAIRD } Trustees.
REES MOORE }
SAMUEL POTTS }

The Creditors of William Steedman of Derris-Town, in the county of Northumberland, state of Pennsylvania, are hereby informed, that the said William Steedman has applied to the Court of Common Pleas, of the said County, to be admitted to the Benefit of the Insolvent Laws of the state of Pennsylvania, and that the Judges of the said Court have appointed the fourth Monday of January 1799, at Sunbury, in the said County, to hear him and his Creditors.
WILLIAM STEEDMAN.
January 7

The Creditors of John Lawhe, of Derris-Town, in the county of Northumberland State of Pennsylvania, are hereby informed, that the said John Lawhe has applied to the Court of Common Pleas of the said county, to be admitted to the benefit of the Insolvent Laws of the State of Pennsylvania, and that the Judges of the said Court have appointed the fourth Monday of January, 1799, at Sunbury, in the said county, to hear him and his Creditors, JOHN LAWHE.
Jan. 7.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Debate on Mr. Griswold's motion.

(CONTINUED.)

FRIDAY, December 28.

Mr. Gallatin, having obtained leave to speak a third time to the same question, acknowledged, that many of his remarks yesterday were of general nature, and not perfectly applicable to the question under consideration; but he had been compelled to follow the gentleman from South Carolina, himself, who according to his usual habit, had left the question, in order to introduce a general declamation upon the supposed motives and actions of gentlemen who differ from him in opinion. It was some of those general remarks which he called offensive war, because it was a deviation from the manner in which he himself had been in the habit of debating questions before this house, and notwithstanding what the gentleman from South Carolina had insinuated to the contrary, he believed it would be allowed that the manner in which he argued upon any proposition was as unexceptionable as that of any other member. It was not his custom to depart from a question under discussion; still less had he done it, and that times without number, as that gentleman had done, for the purpose of introducing declamation on the conduct and motives, not of one man, but on all who differ from him in opinion with respect to his favorite measures. By offensive war, Mr. G. said he did not mean personal attack; but a retaliation of that kind of attack which the gentleman from South Carolina himself made. If that gentleman thought proper to misrepresent the motives of the party opposed to him, he would himself retaliate, not by personality, nor by vague assertions, but by bringing forth facts to shew the true motives of the party to which that gentleman belongs. As to the personal attacks, said Mr. G. which he states I have made upon him, what are they? That I have charged that gentleman two years ago with not understanding the subject of revenue. Is this, said Mr. G. personality? Certainly not. How could I resist an argument on the subject of revenue made by that gentleman better than by shewing that he does not understand the subject, if that is true; and I think indeed the gentleman ought to be obliged to me for having told him so; because it led him to attend to the subject, and I believe he understands it much better now, than he did then. Mr. G. said, that unconscious as he was of having made any personal attack upon the gentleman from South Carolina, or any other, he should not, however, be deterred on a proper occasion from carrying into effect that kind of offensive war he alluded to, from that investigation of the true motives of that gentleman's party, by any threats of personal retaliation; especially from that gentleman. Of whatever materials his house might be composed, it was at least proof against any pebble which that gentleman might cast against it. He believed that both his private and political character, when compared with that of that member, were not in much danger of being hurt by any insinuations coming from that quarter.

But the gentleman from South Carolina has said, that it is not customary for him to ascribe wrong motives, or to misrepresent the actions of his opponents. Permit me, said Mr. G. to make a few remarks upon what has fallen from him in the course of the present debate. What were his arguments, or assertions yesterday? They were these: It is impossible, said he, that the person who went to France should have gone of his own accord, that he could be so fully and vain, since he could not possibly expect to produce any effect, therefore he must have been sent by other persons, and have taken credentials with him. He brings no proof of this, or that he was sent or authorized; but it must be believed, because he chafes to suppose it. This Mr. G. considered as one of those general attacks which it would be proper to repel. But the gentleman does not stop here. The person who went to France, according to his assertion, was sent there by individuals who gave him credentials. And who are these individuals? They are a party in the United States, which the gentleman chafes to call a French party - a party, he tells the world upon which the French depend for assistance to enslave this country; and the gentleman proceeded to inform the house what must have been the language of this party, through their agent to the French directory. And this is the ground which the gentleman takes, to shew the necessity of passing this resolution. This was not the first time, Mr. G. said, that arguments of this kind had been brought forward to support propositions, which had no other foundation but that gentleman's own fertile imagination. This is the kind of attack which he meant to repel.

When the gentleman comes forward, said Mr. G. and tells you that the individuals, generally speaking, with whom he differs in opinion, are a French party; when he tells you it is the view of that party to revolutionize this country; that there is a modern system which they mean to carry into effect by means of foreign aid, am I not right, said Mr. G. in attributing these assertions to a design in that gentleman to support a system of alarm which he wished to exist in this country? Nay, on this very day, that gentleman, following the gentleman from Massachusetts, has gone upon ground nearly similar. He has said that the opposer of this

resolution, support a Jacobinical or Jacobinical doctrine, that the end of a thing justifies the means by which it is accomplished. This doctrine, said Mr. G. is contrary to every principle of integrity, is charged upon us, without the least proof. What does this mean, but that all those who oppose this resolution, and all others of republican opinion, are deficient in integrity, morality, and every thing sacred. Who has ever said, that the end justifies the means by which it is attained? Has it been said by any member opposed to this resolution, that it was wrong in this person first to act, but that if good effects were produced, the wrong ought to be overlooked? No such thing. It had been on the contrary said, that if there was no criminality in the act, no bad intention, and no bad effect produced, the whole was innocent. It had never been said, that provided the effect was good, though the act was criminal, it ought not to be punished; but that the act itself was not criminal; and that the resolution ought to be confined to the punishment, not of any correspondence whatever, but of criminal correspondence only; whilst its supporters insinuate, that every act of that kind, however innocent in itself, ought to be punished, because the effect might be mischievous.

Mr. G. said, as he was up, he now would consider some other arguments which had been used in favor of this resolution. The gentleman from Massachusetts has said, that it was right to lay this resolution upon the table, and his argument in favour of it was, that it had been understood at the beginning of this session, that it was intended to bring forward a motion to repeal the alien and sedition laws, and that then gentlemen would of course bring forward every argument to influence the passions of the public, and that therefore the friends of the present resolution had thought it right to give the first blow, and chuse their own ground to fight upon. This, said Mr. G. is an acknowledgment that this proposition is nothing more than a manoeuvre, and justifies what I have already said, that the friends of the Alien and Sedition bills chose rather to attack us on this ground, than to wait till a proposition for a repeal of those laws is brought forward, where they feel we must have the advantage. Mr. G. said, he gave credit to gentlemen for having selected this ground, as the resolution has something specious on the face of it. It is a good manoeuvre; but it is nevertheless a manoeuvre, according to gentlemen's own acknowledgment.

In support, however, of the proposition, the same gentleman has told us, that it was at least very likely that if the person who was lately in France, had ever risked any thing in writing, or in public, every thing said or written had been extremely proper in itself, such as no person need be ashamed of, and such as would rather operate in his favor, when known, than otherwise; at the same time, he remarked, that we do not know the subjects of his private conversations with the members of the French government; so that all his ostensible acts were right, and all his secret ones wrong. Now, said Mr. G. if a law is passed on this subject, it can only have effect upon ostensible correspondence, and yet the gentleman says that ostensible acts will always be right. Mr. G. believed the gentleman had told the house what is true; and that if any person wished to carry on a criminal correspondence with a foreign government, they will do it secretly, and not in the open manner in which the gentleman alluded to has lately done. He believed the publicity of this proceeding, is the best argument in its favor. He spoke, however, only from conjecture; when he was better acquainted with that business, it was possible he might be obliged to condemn it.

When he had heretofore attacked this resolution, it was said he had attacked its details only, and not its principle, yet those details made up the whole of the resolution. Mr. G. here repeated the objections which he had before stated to the resolution, insisting that no unauthorized individual could usurp the Executive Authority; and that a distinction was not made between private correspondence and public negotiation. Mr. G. said, he had also made a distinction between an individual acting on his own account, and a person being sent to a foreign government by a party. He thought this distinction correct. If a person, from enthusiasm or any other cause, not criminal, undertakes to open a correspondence with a foreign government not intended to defeat any negotiation of the government, or to involve the country in a war, or to invite foreign aggression, he believed it would be perfectly innocent; but if a combination of men were to combine themselves as a party against the government of their country, and for that purpose to select an envoy in order to negotiate for them, he should consider such a conduct as highly improper.

A gentleman from Connecticut made use of an argument yesterday, which had not been noticed. He said, that a foreign nation who means to confer a benefit upon another nation, will never negotiate with an unauthorized individual; that if one government was disposed to treat with another, they would forever reject the interference of private individuals, and that when a government opens a correspondence with an individual, it shews, upon the face of the transaction, a want of sincerity to obtain the object in view; and that the French government, therefore, having lent an ear to an individual American citizen, had shewn a want of sincerity; that it is always criminal to hold such a correspondence, and that it ought to be restrained. But did the gentleman who laid this doctrine down, perceive whether it would lead to? If it be criminal for an individual to negotiate with a government, is it not equally criminal in a government to negotiate or correspond with an individual? If it be, and a proof of a want of sincerity, how will this apply to the conduct of our government? Take the resolution upon the table, and transfer it on that of the council of Five Hundred, and it will appear in the shape of law for punishing Messrs. X and Y for carrying on an unauthorized cor-

respondence with the American government through our commissioners. Let it be remembered that our country did open a correspondence with X and Y; one of whom avowed that he was not an agent of the French government, and that he had no object except that of promoting the welfare of the United States, and that when they opened that negotiation they had no proof that even the other was authorized. Would it be said, then, that our government was not sincere in their wishes to obtain peace, from their having carried on such a correspondence? Mr. G. said, as he did not agree in the doctrine, he did not agree in the conclusion. He believed there are cases, in which governments are obliged to have recourse to indirect means of negotiation, and as our commissioners were not accepted, perhaps it was right for them to do as they did, in order to get finally heard by the government. In the same manner, after all intercourse had been cut off between the two countries, the French government might correspond with an American citizen in France, without given any evidence of their insincerity. Whether they had done so or not, he could not say; their actions must shew.

The same gentleman spoke of what he called the diplomatic skill of France. This, Mr. G. said, had long been a favorite expression - to him it always appeared ridiculous; because, if any nation has given proof of their want of wisdom in this respect, the French have done it in their diplomatic intercourse with this country. Amongst all the foreign ministers who have been sent to this country, it must be acknowledged that none have evinced so little diplomatic skill as those of the French republic. The French, Mr. G. said, appeared to him to have in their enthusiasm at first, and then in the intoxication of victory, very unwisely set aside those rules which had been adopted by all other nations in their mutual intercourse, and, in so doing, they had been guilty in his opinion, not of a display of diplomatic skill, but of egregious folly. They had made a most curious display of diplomatic skill in having called home their minister from this country, and in having sent back ours unaccepted. So that, though there is in this country, according to the representations of certain gentlemen, a party ready to join the French nation in any of their schemes against this country; and although the French wish to countenance and promote that party, they have themselves cut off every means of correspondence, through which those domestic traitors might have carried on their nefarious projects, without any suspicion whatever.

But, Mr. G. believed it was immaterial to us whether the French have not diplomatic skill or not; whether her views upon this country are inimical, or not, as it respects this resolution. He had himself never been alarmed, as the gentleman from Massachusetts had expressed himself to be from the view of what has passed in other countries. He had not been alarmed, because he considered the internal situation of this country, and our distance from Europe as two sufficient safeguards. He considered our internal situation to be such, (divided in opinion as we unfortunately are) as not to admit the supposition that there can be a party in this country disposed to make any change in the form of government which we have the happiness to enjoy. There, are, said he, I know, men in this country who are dissatisfied with some of the measures of administration, and not only with the measures of administration, but also with some of the acts of Congress; but the remedy which they wish and seek for, is not a revolution, but by the means pointed out by the constitution, by enlightening the minds of the people, the medium of the press, with respect to their true interests; by convincing them certain measures are wrong, and by persuading them to effect a change in these measures by means of elections. Any other change which could be accomplished, would undoubtedly, as the gentleman from Massachusetts had said, plunge a dagger in the breasts of those who opposed it. No man in this country can possibly have an interest in changing the constitution. Men who generally enjoy independence, or more than independence (which is mostly the case in that part of the country, where some of the measures of the government are most condemned) have nothing to hope from such a change. They may wish to see other persons in the administration of government; but would never consent to any revolutionary risk to obtain this end.

And if there are no men in this country who wish to effect a revolution, said Mr. G. still less are there any who wish for foreign aid to assist them in such a work. But if they did, how was it to be obtained? Did not our distance from Europe, and the want of naval resources of that nation whose interference was apprehended, secured us from that danger, that alarm appeared to him too ridiculous for serious consideration.

Mr. G. had already observed, that if any laws were passed upon this subject, it ought to be founded upon a resolution which should define what is criminal, and what is not; and he was confirmed in this opinion, by no nation ever having passed a law of a nature like the one now proposed. He recollected having seen printed, during the present war, a correspondence between an English subject and an agent of France on the subject of the dispute between the two countries; and he recollected that on a trial for treason, it had been stated, that where a correspondence tends to lead an enemy to desist from their violence against the country to which the correspondent belongs, it is so far from being criminal, that it is worthy of praise. He had never heard of a nation legislating on the general ground proposed; and though it has been said, that when a bill is rejected, it will be more defined; gentlemen by their arguments, tell us the reverse, for they say any kind of correspondence ought to be punished. Mr. G. mentioned this on account of what had fallen from the gentleman from Georgia.

Mr. G. concluded by saying, that he was sensible that the ground selected by gentlemen for this debate is a specious one, and had