

declared he was in favor of filling up the blank with the Secretary of State. He chiefly rested his opinion on the idea, that if the constitution had not intended that the vacancy should be filled by some officer not there mentioned, they would have determined who it should be.

Mr. Sedgwick was sorry that the business had been brought forward, and more so that gentlemen should discover a zeal on the occasion, which indicated too much of taking a personal interest in the question.

He did not apprehend the consequences which would follow, if the accident should occur, would be so dreadful as the gentleman last up appeared to think. There was more danger, he conceived, in ruffling men's tempers now, by designating one officer heir apparent (if he might be allowed the expression) to the office of chief magistrate.

He objected to filling up the blank with the Secretary of State; it would be putting in the hands of the President (or of the Vice-President) a power of appointing his successor. The authority with which the Chief Justice is vested, the respect which his station commands, and his independence, induced him, he said, at first to think him the most proper person to be at the head of affairs in case of vacancy in the chief magistracy.—However, if it could not be agreed to postpone the business, he should now vote for the President of the Senate *pro tem.*

Mr. Benson said that an honorable gentleman (Mr. Smith) had remarked, that he had not attempted to answer the objections which were made to the Chief Justice's being designated to fill the vacancy, and had drawn the conclusion that the objections were unanswerable. He was sensible that there might and would be objections to any officer that could be mentioned; but those against the Chief Justice he did not think unanswerable. It had been objected that there would be an impropriety in his condemning as Chief Justice, and pardoning as President. But something like this is frequently the case. He supposed that whoever exercised the office of Chief Magistrate, would for the time resign his first office. He only mentioned this to shew that the objections made to the Chief Justice had not been answered not because they were deemed unanswerable; but his wish was to see the vacancy filled by an independent officer; he had therefore no objection to the President of the Senate *pro tem.*

Mr. Jackson moved that the consideration of this business be postponed, which was agreed to. The committee rose and reported.

W E D N E S D A Y, Jan. 26.

Sundry petitions were read and referred to the heads of departments.

Mr. Sedgwick, from the committee appointed for that purpose, reported a bill, providing compensations for inspectors and officers by them appointed, which was read the first time.

The bill providing for the renewal of lost certificates, was read the second time, and referred to a committee of the whole, on Thursday the 3d of February.

A message was received from the President of the United States, accompanied with the following copies of a letter, addressed to him by the President of the National Assembly of France, and of a decree of that Assembly, transmitted with it.

Mr. President,

The National Assembly has worn, during three days, mourning for Benjamin Franklin, your fellow citizen, your friend, and one of the most useful of your co-operators in the establishment of American Liberty. They charge me to communicate their resolution to the Congress of the United States. In consequence, I have the honor to address to you, Mr. President, the extract from the proceedings of their session of the 11th, which contains the deliberation.

The National Assembly have not been stopped in their decree by the consideration that Franklin was a stranger:—Great men are the fathers of universal humanity:—their loss ought to be felt, as a common misfortune, by all the tribes of the great human family; and it belongs, without doubt, to a nation still affected by all the sentiments, which accompany the achievement of their liberty, and which owes its enfranchisement essentially to the progress of the public reason, to be the first to give the example of the filial gratitude of the people towards their true benefactors:—besides that these ideas, and this example, are so proper to disseminate a happy emulation of patriotism, and thus to extend more and more the empire of reason and virtue, which could not fail promptly to determine a body, devoted to the most important legislative combinations; charged with assuring to the French the rights of men, and citizens; it has believed, without doubt, that fruitful and great truths were likewise numbered among the rights of man.

The name of Benjamin Franklin will be immortal in the records of freedom and philosophy: but it is more particularly dear to a country, where, conducted by the most sublime mission, this venerable man knew very soon to acquire an

infinite number of friends and admirers, as well by the simplicity and sweetness of his manners, as by the purity of his principles, the extent of his knowledge, and the charms of his mind.

It will be remembered, that every success, which he obtained in his important negotiation, was applauded and celebrated (so to express it) all over France, as so many crowns conferred on genius and virtue.

Even then the sentiment of our rights existed in the bottom of our souls. It was easily perceived, that it feelingly mingled in the interest which we took in behalf of America, and in the public vows, which we preferred for your liberty.

At last the hour of the French has arrived:—we love to think, that the citizens of the United States have not regarded with indifference our steps towards liberty. Twenty-six millions of men, breaking their chains, and seriously occupied in giving themselves a durable constitution, are not unworthy the esteem of a generous people who have preceded them in that noble career.

We hope, they will learn, with interest, the funeral homage, which we have rendered to the Nestor of America. May this solemn act of fraternal friendship serve more and more to bind the tie, which ought to unite two free nations! May the common enjoyment of liberty shed itself over the whole globe, and become an indissoluble chain of connexion among all the people of the earth! For ought they not to perceive, that they will march more stedfastly and more certainly to their true happiness, in understanding and loving each other, than in being jealous and fighting?

May the Congress of the United States, and the National Assembly of France, be the first to furnish this fine spectacle to the world! and may the individuals of the two nations connect themselves by a mutual affection, worthy of the friendship which unites the two men, at this day most illustrious by their exertions for liberty—WASHINGTON and LA FAYETTE!

Permit me, Mr. President, to offer, on this occasion, my particular homage of esteem and admiration.

I have the honor to be,

With respectful consideration,

Mr. President,

Your most humble

And

Most obedient servant,

S I E Y E S, President.

Paris, 20th June, 1790.

DECREE of the NATIONAL ASSEMBLY, of the 11th

of June, 1790.

The National Assembly decree, that their Members shall wear, during three days, mourning for Benjamin Franklin, to commence on Monday next,—that the discourse, pronounced on this occasion, be printed; and that the President write to the American Congress, in the name of the National Assembly.

Compared with the original, by us, President and Secretaries of the National Assembly, at Paris, 10th June, 1790.

SIEYES, President.

GOURDAU, Sec.

FELIX DE PARDIEU, Sec.

(L. S.)

DUMOUCHE, Sec.

The House then proceeded to the consideration of certain papers, transmitted to them by the President on Monday last; which being of a secret nature, the doors were ordered to be shut.

THURSDAY, Jan. 27.

The bill providing compensation to the inspectors, and officers by them appointed pursuant to the act laying duties on distilled spirits; and for other purposes, was read the second time, and referred to a committee of the whole house, and made the order of the day for to-morrow week.

Mr. Bourne, presented the address and memorial of the people called Quakers, in the state of Rhode-Island, respecting certain parts of the militia bill.

Sundry petitions were read and referred.

Mr. Gerry presented a memorial from the Marine Society of Boston—proposing the establishment of an Hospital, for the benefit of sick and disabled seamen—to be divided into three departments—one for the Southern—one for the Central, and one for the Eastern states—being read—Mr. Gerry moved that this memorial should be reported to the committee already appointed on the memorials of the merchants and others of the town of Baltimore—this motion subsided, and it was ordered that the memorial should lie on the table.

Mr. Parker gave notice, that he should to-morrow move that a committee be appointed to bring in a bill for the general establishment of marine Hospitals in the United States.

A message was received from the President of the United States, by Mr. Secretary Lear, in the following words:

UNITED STATES, Jan. 27, 1791.

Gentlemen of the Senate, and

House of Representatives,

In order that you may be fully informed of the situation of the frontiers, and the prospects of hostility in that quarter; I lay before you the

intelligence of some recent depredations, received since my message to you upon this subject on the 24th instant.

G. WASHINGTON.

Mr. Secretary informed the Speaker that the papers were sent to the Senate.

A message from the Senate was received by Mr. Otis, their Secretary, informing the house that they have passed a bill concerning Consuls and Vice-Consuls;—also communicating sundry papers, referred to in the message of the President of the United States.—The papers were read—viz. a letter from General Putnam to the President of the United States, dated at Marietta, Jan. 8, containing an account of an attack, the 2d inst. on Big Bottom, a settlement about 40 miles up the river, in which 11 persons were killed, and three taken prisoners; a letter from same person to Gen. Knox, and a letter from Capt. David Zeigler, to Gov. St. Clair, corroborative of the above account. These papers were referred to the committee appointed yesterday on the message from the President of the United States.

The engrossed bill, repealing, after the last day of June next, the duties heretofore laid on distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same, was passed by a majority of fourteen. The yeas and nays being called for, were as follow:

YEAS.

Messrs. Ames, Benson, Boudinot, Bourne, Cadwallader, Carroll, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Griffin, Grant, Huntington, Lawrance, Lee, Leonard, Livermore, Madison, Partridge, Schureman, Sedgwick, Sherman, Sylvester, Sinton, Smith, (S. C.) Sturges, Thatcher, Trumbull, Vining, Wadsworth, White, Wynkoop. Total 35.

NAYS.

Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Giles, Hartley, Hathorn, Heister, Jackson, Mathews, Moore, Muhlenberg, Parker, Van Rensselaer, Seney, Smith, (M.) Steele, Stone, Tucker, Williamson. 21.

FRIDAY, Jan. 28.

The Consul Bill received yesterday from the Senate, was read the first and second time, and made the order of the day for Wednesday next. Ordered that 100 copies be printed for the use of the house.

Mr. Heister presented a memorial and petition of a number of the public creditors holding Loan Office Certificates, received in the years 1777 and 1778, for money lent, for carrying on the late war, read and laid on the table.

This petition respects Certificates received for loans of paper money, on the nominal amount of which, interest, at 6 per cent. per ann. had been paid.

Mr. Ames laid the following motion on the table, That the Secretary of the Treasury be directed to report, whether it is necessary that any provision should be made by law respecting the new emission money.

Mr. Smith (S. C.) brought in a report on the petition of Henry Lauens, which was against granting the prayer of the petition; laid on the table.

Mr. Sturges brought in a report on the memorial of the inhabitants of Albany and Washington counties, respecting the pension granted to John Younglove—which in substance was, that said pension appeared to have been improperly obtained; the committee proposed that the business should be referred to the Secretary of war to investigate the same and report.

Mr. Lawrance presented a memorial and petition from the inspectors of the city of New-York, praying an increase of their compensation.

The report on the petition of John Churchman was taken into consideration; the first part of the report respected furnishing him with money to prosecute his discoveries by a voyage to Baffin's Bay—on this part of the memorial the committee offered no opinion. A motion being made to take the sense of the house, whether he should be furnished with a sum of money for this purpose; the question being put, it passed in the negative.

On the other part of the report which respects the enhancement of the penalty for counterfeiting or copying original charts—a committee was appointed to bring in a bill to make provision for that purpose.

The committee on the petition of George Gibson, brought in a report, which was in favor of the prayer of said petition.

The Speaker communicated to the house a report of the Secretary of the Treasury, on the subject of the establishment of a Mint. Ordered that 200 copies be printed for the use of the house.

On motion of Mr. Brown, the house resolved itself into a committee of the whole, and took into consideration the bill providing for the admission of Kentucky into the Union.

Mr. Boudinot in the chair.

The Chairman reported the bill to the house without amendment—on motion the bill was read the third time, and passed.