



CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES,  
TUESDAY, FEBRUARY 7.

In committee of the whole, on the Fishery Bill.

(Conclusion of Mr. PAGE'S Speech.)

THE framers of the constitution guarded so much against a possibility of such partial preferences as might be given if Congress had the right to grant them, that even to encourage learning and useful arts, the granting of patents is the extent of their power: and surely nothing could be less dangerous to the sovereignty or interest of the individual states than the encouragement which might be given to ingenious inventors or promoters of valuable inventions in the arts and sciences—the encouragement which the general government might give to the fine arts, to commerce, to manufactures and agriculture, might, if judiciously applied, redound to the honor of Congress, and the splendor, magnificence and real advantage of the United States: but the wise framers of our constitution saw that if Congress had the power of exerting what has been called a royal munificence for these purposes, Congress might, like many royal benefactors, misplace their munificence, might elevate sycophants, and be inattentive to men unfriendly to the views of government; might reward the ingenuity of the citizens of one state, and neglect a much greater genius of another—a citizen of a powerful state it might be said, was attended to, whilst that of one of less weight in the federal scale was totally neglected. It is not sufficient to remove these objections, to say as some gentlemen have said, that Congress is incapable of partiality or absurdities, and that they are as far from committing them as my colleagues or myself—I tell them the constitution was formed on a supposition of human frailty, and to restrain abuses of mistaken powers: the constitution has been said by some one to be like answers of the oracles of old, capable of various and opposite constructions, that it has been ingeniously contrived like some of them to suit two events, a republican or a monarchical issue; I will not pretend to say that this is not in some instances too just an observation, nor will I undertake to deny that it was not the intention of some of the convention that such ambiguities might be in their constitution, to correspond with the critical and ambiguous state of the American mind, respecting government; but I will boldly affirm, that whatever the theories of that day might lead some to think, respecting the application of monarchical principles to the government of the United States, no one can at this day pretend that they are applicable to their circumstances, their dispositions or interests, or even are agreeable to the wishes of the people. Even before the adoption of the constitution when the rights of men had not been so thoroughly investigated as they since have been, it must be remembered, that whole states, and large and respectable minorities in other states, complained of and objected to the aristocratical and monarchical features of the new government. In vain did the friends of the new government, friends of order, of union, or of liberty, contend that the powers granted by the constitution, which appeared so alarming, were such as would never be exerted but when all good men would acknowledge the necessity of exercising them, and that indeed they would be explained or restrained by some future amendments—the sagacious and eloquent Henry shook his head at such promises, sighed and submitted to the will of the majority, a small one indeed, but foretold from his knowledge of the human heart, what would be done and said in justification of every measure which might extend the power of Congress.

Is it politic and wise then, Mr. Chairman, to exert the power contended for, even if it be authorized by the constitution? May not the interference of Congress in the business of regulating the trade of the eastern states excite, if not envy on account of a supposed partiality, a jealousy lest Congress undertake to intermeddle in the commercial regulations of other states? May not Congress with equal propriety undertake to regulate the tobacco, the rice and indigo trade, as well as that of the fisheries? If they intermeddle in the business of sailors, why not in that of manufacturers and farmers? Where I may ask with my colleague, may they not go on in their zeal, and I will add, in their laudable pursuit of promoting the general welfare; and how totally may they be mistaken? If jealousy of rival states instead of mutual satisfaction and pleasure—if

distrust and suspicion of Congress, instead of confidence in their measures, be the consequence, how will the union be promoted, or the general government secured? However virtuously disposed the present members may be, and I am ready to applaud their honest intentions, let them consider, Sir, that they had better suppress their patriotic emotions, than give a pretext for their successors to abuse the powers which they now wish to exert for the public good: I know they will quote the opinion of as wise and virtuous a citizen as is in the United States: I know his patriotism, and know well his true republican principles; but Sir, with the freedom of a fellow citizen, I take the liberty of saying that his honest zeal, like that of the friends of the bill, has led him into a mistake.\* That able statesman and virtuous citizen, like the eloquent advocates of the bill, has considered the acts now quoted, as a full sanction for the one before the committee: but I am of opinion that those acts had better be repealed, than give a sanction to the enacting of a law which goes to the establishing of bounties, or drawbacks, or by whatever other name they be called, which may be used to the partial encouragement of any branch of trade or employment whatsoever. I shall therefore vote against the bill before us, and to get rid of it, shall vote for striking out of it the 1st section according to the motion now before the committee. As a member of this House I shall think it my duty to protect the fisheries, and every other branch of our commerce, the fishermen as well as every other citizen, as far as may be within my ability; but I am not permitted, as a member of Congress, I humbly conceive, to select the fisheries and fishermen as objects of more consequence than any other branches of trade, or persons employed in them, lest Congress should not only shew a mistaken attachment, or even if judiciously placed, excite jealousies and discontents between the states, and distrust destructive of their weight and influence. My constant wish has been to see Congress confined to such acts as would form a more perfect union, promote the general welfare, insure domestic tranquility, and engage the confidence of our fellow citizens.

My wish is, that the members of Congress would leave their respective states in the full enjoyment of every right and privilege they held before their adoption of the new constitution, which can be exercised without prejudice to the general government. Let the legislatures of the different states encourage as far as in their power, the commerce, agriculture or manufactures of their respective states; and let Congress, as far as can be consistent with the most steady impartiality, patronize their patriotic exertions by wise regulations of their commerce with foreign nations, such as may open as full an intercourse with those nations as the states may desire. The emulation of the sister states in commerce, manufactures or agriculture, would lead to the early establishment of that branch of either to which each state might be best adapted: this rivalry could produce no jealousy, no general national discontent in the states, no localities in Congress. Virginia would not attempt to rival Massachusetts in her fisheries or carrying business, nor will South Carolina and Georgia rival the manufactories of Jersey and Pennsylvania: each state may rejoice to see its sister states enjoying the advantages with which Heaven has blessed them: and Congress, if confined to subjects which admit not of local considerations, may debate with temper and decide with unbiassed judgment. I confess I have wished that Congress possessed the power that the friends of the bill tell us we do possess, and tell us we have exerted: but on examining the constitution with a view to my wish, I found reason to think, not only that Congress has not that power, but that it ought not to possess it, unless the constitution was intended to establish a consolidated government on the ruin of the state legislatures: but this I conceive cannot be the case, because the constitution guarantees to the states their respective republican governments. The general powers of Congress no doubt ought to be (as they are) adequate to the purpose of forming a more perfect union than subsisted under the confederation, to establish justice, &c. &c. but as they are bound to guarantee to the states, their respective republican forms of government, I cannot conceive how any of these powers can be employed (consistently with the ends for which they were given) in diminishing the power and sovereignty of the state legislatures. How Congress can interfere in the regulations respecting the merchants and their sailors at Marblehead, with more propriety than with those at Philadelphia, Norfolk or Charleston, I cannot conceive: nor how this interference could take place without alarming these states, I know not. Viewing the bill before us in this light, Mr. Chairman, I shall vote against it, and, as I said before, to get rid of it, shall vote to strike out the first section according to the motion now before the committee.

(TO BE CONTINUED.)

\* Mr. JEFFERSON, Secretary of State, in his Report on the Fisheries.

SATURDAY, MARCH 10.

An engrossed bill declaring the consent of Congress to a certain act of the state of Maryland, and to continue for a longer time, an act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode-Island and Providence Plantations, so far as the same respects the states of Georgia, and Rhode-Island and Providence Plantations, was read a third time, passed, and sent to the Senate for their concurrence.

The House proceeded to the consideration of the message received from the President of the United States on Monday last, with the translation of the letter from the King of France, announcing to the United States his acceptance of the New Constitution; whereupon the following resolution was moved, viz.

“Resolved, That this House hath received, with sentiments of high satisfaction, the notification of the King of the French, of his acceptance of the Constitution presented to him in the name of the nation:—and that the President of the United States be requested, in his answer to the said notification, to express the sincere participation of the House, in the interests of the French nation, on this great and important event; and their wish, that the wisdom and magnanimity displayed in the formation and acceptance of the Constitution, may be rewarded by the most perfect attainment of its object, the permanent happiness of so great a people.”

A motion made for the comment of this resolution, passed in the negative—yeas 17, nays 35.

A debate of considerable length then took place on the adoption of the resolution; after which, a division of the question being called for, the House agreed to the first part, as far as the words “important event” inclusive—yeas 50, nays 2.

The question was then taken on the remaining part of the resolution, and also passed in the affirmative, as follow:

A Y E S.

Messrs. Ashe, Baldwin, B. Bourne, Clark, Findley, Fitzsimons, Giles, Gilman, Gregg, Hartley, Heister, Key, Kitchell, Kittera, Lee, Macon, Madison, Mercer, Murray, Niles, Page, Schoonmaker, Seney, Steele, Sterret, Sturges, Sumpter, Thatcher, Treadwell, Tucker, Venable, Vining, Wayne, White, Williamson—35.

N O E S.

Messrs. Ames, Barnwell, Benson, Goodhue, Gordon, Hillhouse, Jacobs, Lawrance, Learned, Livermore, Sedgwick, J. Smith, I. Smith, W. Smith, Wadsworth, Ward—16.

A committee of five members was appointed, to wait on the President of the United States with the said resolution.

The following resolution was proposed and agreed to, viz.

“That in the case of the contested election on the petition of James Jackson, complaining of an undue election and return of Anthony Wayne, one of the members returned to serve in this House for the state of Georgia, the sitting member have leave to be heard by counsel, at the bar of this House, on Monday next.” Adjourned.

MONDAY, MARCH 12.

The trial of the contested election for the lower district of Georgia, having been postponed to this day,

Mr. Jackson, the petitioner, and Mr. Lewis, as counsel for the sitting member, appeared in the House, and had seats assigned them within the bar.

Mr. Lewis moved that the trial should be further postponed, and assigned as a reason, that the evidence had not been received for which the late postponement was granted.

Mr. Jackson opposed a further postponement, alledging that sufficient time had elapsed.

After considerable debate, Mr. Lewis's motion was put and negatived—19 members only rising in the affirmative.

The House then attended to the allegations.—Mr. Jackson stated the evidence respecting the transactions at the election in Effingham County; having proceeded through that part of the business, the house adjourned.

TUESDAY, MARCH 13.

A message was received from the Senate by Mr. Secretary Otis, with the Representation bill—passed the Senate with the amendments.

The House proceeded in the trial of the contested election for the lower district of Georgia.

Mr. Jackson continued the detail of his evidence—and exhibited a statement of the transactions at the election in Camden County, &c. considerable debate took place among the members, respecting the admissibility of several articles of evidence offered by the petitioner—some of which were admitted, others not admitted: Mr. Jackson concluded his allegations and comments, with offering as evidence the impeachment of Judge Osborne, &c. by the Senate of Georgia; this was objected to by Mr. Wayne's counsel, and a debate ensuing among the members, an adjournment took place without a decision.

In the Ayes and Noes on passing the Militia Bill, Mr. GORDON'S name should have appeared among the Noes—and Mr. STURGES' name was omitted in the list of Ayes.—Mr. BROWN was not in the House when the question was taken—his name ought not therefore to have appeared.—See the last Gazette.