

perpetually by a natural tendency to use those arguments in its support which he had drawn from confidential sources of information last session; while the doors were shut—but felt the propriety of restraining that impulse, and would only call on members to recollect the view the subject had been held in at a time when all the information was a fair source of debate. He hoped that as there certainly now was no prospect of peace in the spring, and as the President had the power to derive every advantage from the employment of expert woodmen under the law last session, that the resolution would not be agreed to.

Mr. Williamson did not entirely approve of the motion in its present form; the blanks might be so filled, he thought, as to import a thing opposite to his wishes—they might import a discharge of the troops already raised. He believed his colleague had no such desire; he thought the measure would be improper, but he wished not to have a regiment of officers without soldiers—he wished to fix a time at which the recruiting service should cease, and the supernumerary officers should be discharged. As he intended to move that the proposition might be so amended, he should consider it in that light—and he believed the measure would not be imprudent nor inconsistent with the most vigorous measures of defence or offence.

It should be remembered that the House of Representatives, when they had the bill before them which last winter passed into a law for defending the frontiers, sent it to the Senate with a clause importing that officers below the rank of field-officers, should not be put into commission any faster than troops could be enlisted. The Senate adhering to their privilege, refused to agree to that clause in the bill, and it became necessary immediately to commission the officers for 5000 men, some of whom, if fame speaks truth, not covetous of honor, are content with their pay, without having raised three men. By the proposed amendment, the officers only would be dismissed, whom most of us wished never to have seen in commission.

The proposed regulation has been censured as implicating some kind of censure on the executive. He viewed it in a different light.—The executive had done what was proper and necessary at the time. But if it should appear that other measures would fit the change of circumstances, he did not see why those measures should not be adopted. It should be recollected that during the last winter, when the estimate of 5000 men necessary for the defence of our frontier was handed to Congress, there was no militia law. A well armed effective militia, that palladium of liberty, had once and again been recommended by the President to the attention of Congress: but Congress, from year to year, as if they wished for a standing army, had neglected the militia. Towards the close of the last session indeed they passed a law. He hoped he might without offence call it the shadow of a law.—It was saying in a few words that the several states might have a good militia if they pleased; and if they pleased, they might have none at all. Was the executive to trust the defence of a country to a militia formed under such a law?—He thought not.—But he observed, that since the last winter it had come to be generally known, that a class of our fellow citizens exist on the frontiers, who are at all times ready to serve, not as drafted militia, but as volunteers. These are the men, said he, by whom the Indians must be chastised, or we shall never have peace. They are the best woodmen and marksmen, and they have no professional interest in spinning out the war. He said he must repeat the observation, that volunteers of the militia are the only troops for vigorous offensive operations. Figure to yourselves an army of regulars creeping through the wilderness with all its cannon and other military apparatus in chase of a naked savage, who sees it without being seen. It is an elephant in chase of a wolf. The troops already raised may be pretty well disciplined before the season for action—they are sufficient with the co-operations of the militia, to take a post, and build forts where they please—every thing else is beyond their power, if they were not five but fifteen thousand. They will never see an Indian unless he chuses to be seen.—He wished to be indulged in a single observation respecting a case in which it was said the other day, the militia had been surprised. He was sorry that his naming Major Adair had produced the remark; he would nevertheless venture to repeat the case as an instance of vigilance and bravery. The Major believing there was an enemy at hand, had visited all his posts at midnight in person; his Lieutenant, Madison, before the dawn of day, roused all the men, telling them that the Indians were coming. The Major wishing to leave the ground before day-light, called in the sentinels,—but the Indians rushing in with them, gave a heavy fire before there was light by which they could be seen. The Major, he said, had not the merit, as he believed, of having been a Continental officer, but had the merit, not less honorable, of having served bravely in the militia. He questioned on the whole whether any of the green troops to be recruited next spring or summer, will make so good a defence as Major Adair's militia had made.—They had taken scalp for scalp, though they fought against the odds of three to one.—He prayed it might be remembered, that his ideas were not founded on any hopes of sudden peace with the Indians; on the contrary, every motion of the Indians, and every measure taken by those who had most influence over the Indians, induced him to regard an Indian war as the perpetual tax of at least one million per annum. It is fortunate, as he conceived, that the United States know the source of their misfortunes—and if they are compelled to spend one million per annum in opposing a

savage enemy who seems to be hunted upon them, perhaps they may be taught to indemnify themselves by refusing to expend several millions which they can easily save. If a perpetual tax on this head must be raised, sound policy will readily point to the proper object of taxation: but this must remain over for our successors. In the mean time, believing that the troops already raised are sufficient to maintain every fort that is or may be erected, and being confident that volunteers may be found at any time sufficient, if it shall be necessary, to extirpate every hostile tribe of Indians—he should vote for the proposition with the proposed amendment.

Mr. Wadsworth closed the debate by replying particularly to that part of Mr. Steele's speech, in which he controverted some of Mr. Wadsworth's statement.

Mr. Wadsworth said, in the Act of May 2d, 1792, 600,500 dollars were appropriated for various purposes, of which 70,000 dollars were for the quarter master's department, which sum added to 50,000, appropriated by the act of December 23, 1791, make the 120 thousand dollars as he had before stated—not finding the estimates in the Clerk's office, on which these appropriations were made—I went, said Mr. Wadsworth, to the War-Office, and took copies of both estimates, which I have in my hand—and there can be no doubt of the fact, as it has been stated by me. Mr. Wadsworth added some general remarks respecting militia and regular troops—the merits of the former he never meant to depreciate—he had been witness to many brilliant actions in which they had been engaged. On the present occasion, his wish was to impress on the house the superiority of a regular established force for the service now under consideration.

SATURDAY, JAN. 12.

The Yeas and Nays on Mr. Fitzsimons' resolution for loaning the balances due from the United States to individual States.

The said resolutions being under consideration,

A motion was made and seconded to amend the first resolution contained in the said motion, by adding to the end thereof, the following proviso, to wit:

“Provided, that no such loan shall be opened in any state without the assent of the legislature thereof, by an act approving the measure.”

It was resolved in the affirmative, Yeas 38—Nays 23.

Y E A S.

Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clark, Dayton, Fitzsimons, Gerry, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kitchell, Kittera, Lawrance, Learned, Leonard, Livermore, Madison, Muhlenberg, Niles, Page, Sedgwick, Sylvester, W. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Venable, Wadsworth, Ward and White—38.

N A Y S.

Messrs. Ashe, Baldwin, Findley, Giles, Gilman, Greenup, Gregg, Griffin, Grove, Heister, Lee, Macon, Mercer, Milledge, Moore, Murray, Orr, Parker, Schoonmaker, Steele, Treadwell, Williamson, & Willis—23.

And the question being put, that the House do agree to the said first resolution, amended.—It was resolved in the affirmative, Yeas 34—Nays 28.

Y E A S.

Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clark, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kittera, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Sedgwick, Sylvester, Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Wadsworth, Ward, and White—34.

N A Y S.

Messrs. Ashe, Baldwin, Findley, Giles, Greenup, Gregg, Griffin, Grove, Heister, Kitchell, Lee, Macon, Madison, Mercer, Milledge, Moore, Murray, Orr, Page, Parker, Schoonmaker, I. Smith, Steele, Treadwell, Venable, Williamson, and Willis—28.

WEDNESDAY, JANUARY 16.

The order of the day on the memorials of the officers of the late continental army being called for, the House went into a committee of the whole on the same.—Mr. B. Bourne in the chair. The proposition offered yesterday by Mr. Gerry, and amended by Mr. Clark, was read by the Chairman; after a lengthy speech by Mr. Boudinot, in opposition to the proposition, the question being put, it was negatived.

Mr. Giles then offered the following, viz.

Resolved, as the opinion of this committee, That the prayer of the memorialists is reasonable, and that provision ought to be made for the payment of such sums to the original holders of the proper debt of the United States, as may have been saved by the terms of the loan made under the act to provide for the debt of the U. States, calculating 6 per cent. at 20¢ in the pound, and other species of paper at a proportionate value: provided that where any original creditor shall have subscribed to the loan proposed by the act to provide for the debt of the United States, a sum not less than the sum originally stipulated, such creditor shall not be entitled to the benefit of this provision.—And that when a less sum shall have been subscribed, there shall be a proportional reduction of his claim to such benefit.

After a considerable debate on this proposition, Mr. Clark moved that it should be divided. This motion being seconded,

The question was taken on the first clause of the proposition, ending with the word reasonable. This was negatived, nine members only rising in the affirmative.

It was then moved, that it be resolved, as the opinion of this committee, That the prayers of the memorials from officers of several of the

lines of the late continental army, cannot be granted.

This motion was agreed to. The committee then rose, and reported the last resolution to the House.

On the motion to adopt this resolution, the yeas and noes being demanded, are as follow:

A Y E S.

Mess. Ames, Benson, S. Bourne, Boudinot, Bourn, Clark, Barnwell, Findley, Fitzsimons, Gilman, Goodhue, Gordon, Gregg, Grove, Heister, Hillhouse, Jacobs, Key, Kitchell, Kittera, Lawrance, Learned, Lee, Leonard, Livermore, Macon, Moore, Muhlenberg, Orr, Sedgwick, J. Smith, W. Smith, J. Steele, Sterrett, Sturges, Sumpter, Sylvester, Thatcher, Tucker, Venable, Wadsworth, White, Williamson, 43.

N O E S.

Mess. Ashe, Baldwin, Gerry, Giles, Greenup, Hartley, Madison, Mercer, Page, Treadwell, 10.

THURSDAY, JANUARY 17.

The petition of John Miller and others, praying compensation for services and supplies, was read, and referred to the Secretary of the Treasury.

In Committee of the Whole, Mr. Key in the Chair.

A bill to continue in force for a limited time, and to amend the act providing for the means of intercourse between the United States and foreign nations, was taken into consideration.

The bill was read through and then considered by paragraphs. No amendment being proposed,

The committee rose and reported the bill, which was ordered to be engrossed for a third reading.

The House then took into consideration the bill to regulate trade and intercourse with the Indian tribes.

Mr. Madison's amendment, which had been ordered to be printed, was taken into consideration. It is in the following words—viz.

Strike out the eighth Section, in the words following, “And be it further enacted, That no sale of land, made by any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state, unless such state may have the right of pre-emption of such land or not, unless the same shall be made, and duly executed, at some public treaty held for that purpose, under the authority of the United States.”

And in lieu thereof insert the following:

And be it enacted, That no person shall be capable of acquiring any title, in law or equity, to any lands beyond the Indian boundaries, and within those of the United States, by purchase, gift or otherwise, from the Indians, holding or claiming the same; and that it shall be a misdemeanor in any person, punishable by fine and imprisonment, at the discretion of a jury, to obtain, accept, or directly or indirectly, to treat for any title to such lands from the said Indians, or any other for them. And that, where any such Indians shall, of their own accord, desire to sell any part of their lands, and it shall be deemed for the interest of the United States, that a purchase shall be made, the same shall be done no otherwise than by treaty or convention, to be entered into pursuant to the constitution; the lands so purchased, to enure to the use of whoever may have the right of pre-emption thereto, and shall pay the price thereof.

Mr. Madison observed, that misunderstandings, quarrels and wars with the Indians had originated from the circumstance of persons having obtained, through fraud or other improper means, possession of the lands belonging to the Indians. This consideration rendered it highly important that this whole business should be under the absolute and sole direction of the public authority, in order to guard effectually against the fatal consequences which may result to the public by being precipitated into a war, thro' the arts of unprincipled persons, who while the public are made to sustain great calamities, often find means to extricate themselves from bearing their proportion of the inconveniences and expenses.

Several alterations were moved and made in the proposed section—among others,

The words “at the discretion of a jury” on motion of Mr. Livermore, were struck out. The same gentleman moved to expunge these words, “And it shall be deemed for the interest of the United States, that a purchase shall be made.” This motion, after some debate, was agreed to.

It was then proposed by Mr. Clark, that the motion should be divided. The first question was for striking out the 8th section.

Mr. Barnwell objected to striking out. He conceived that the original section was as comprehensive as the other; that it was better worded, and liable to fewer exceptions than the substitute, as being more definite; for notwithstanding the latter is longer, yet sales made pursuant to treaties held under an authority not explicitly pointed out, would be liable to cavil and revision; and the persons holding a treaty for the purpose of making purchases, are exposed to incurring the penalty.

Mr. Giles preferred the proposed substitute, if for no other reason than this, that it contained a penalty for making improper purchases.

Mr. Fitzsimons proposed to retain the first section, and to amend it by inserting after the word “sale,” or gift, and to add the penalty contained in the substitute at the end of the section. Some further amendments were made to the

proposed substitute. The question was put on the first division of the motion.

The original section was struck out, and the section, as amended, agreed to.

An amendment proposed by Mr. Greenup; the object of which is to permit persons travelling thro' the Indian territory to purchase or exchange such articles as may be necessary for their subsistence, was then discussed, and agreed to. The duration of the bill was limited to two years, and then ordered to be engrossed for a third reading.

In committee of the whole,

Mr. White in the chair,

On a bill to determine the northern boundary of the territory of the United States, and the State of North Carolina. This bill consists of one section only, and authorizes the President of the United States to take measures to have the line run. Some amendments were agreed to, and then the committee rose and reported the bill. The House adopted the amendments, and ordered the bill to be engrossed.

Adjourned.

The following are the precise terms of the second proposition offered by Mr. Gerry on the memorial of officers of several lines of the late army of the United States, on Tuesday last.

RESOLVED, as the opinion of this committee, That provision be made for such officers, non-commissioned officers and soldiers of the late army of the United States, who received certificates for the balances due to them on a final settlement of their respective accounts. Provided, that such provision shall not exceed the difference between the nominal amount of the said certificates, and the real amount, estimated at the present rates in the market, of the certificates which are or may be issued for those first mentioned, pursuant to an act making provision for the debt of the United States.

THURSDAY, JANUARY 17.

Sketch of the Debate on the Resolutions respecting the Loan of the Balances due from the United States to the individual States.

After reading the report of the commissioners for settling the accounts, Mr. Giles made some opposition to providing for these balances before they were ascertained; that is not done by the report of the commissioners.

Mr. Fitzsimons briefly stated the motives which had induced him to come forward with the resolutions previous to ascertaining the balances—he thought that while there was an uncertainty in the business, the decisions would be more readily and impartially made.

Mr. Livermore objected to providing for balances before they were known; he thought the resolutions incomplete, as they recognized only creditor states, and say nothing about debtor states.

Mr. Fitzsimons said, he did not believe there would be any debtor states; he was sure there ought not to be any.

Mr. Madison objected to the resolutions on the same principle with Mr. Livermore; he enlarged on the idea, and insisted that without the most urgent necessity, the provision contemplated ought not to be made in the present uncertain state of the business. On the principles of justice and economy, he contended, that a system which would be so complex in its operation, ought not to be adopted; it would operate to the extension of taxation in the United States to the greatest degree, as it would involve a further levying of taxes to reimburse the states that shall finally appear to have large balances due them.

Mr. Fitzsimons said he was not understood—adverting to the act for assuming the state debts, he observed that these balances were there recognized, and the creditors to whom these balances are due, are to all intents and purposes creditors of the union. Mr. Fitzsimons said, he had no idea of the result contemplated by the gentleman in respect to the extension of taxes. No possible difference, he conceived, could take place whether the balances were now assumed, or the ascertainment of them was made previous thereto; the operation would be precisely the same in both cases.

Mr. Sedgwick replied to Mr. Madison—He stated various reasons to show that his objection on the score of increased taxes had really no foundation. Mr. Sedgwick entered into a short discussion of the subject, and stated the real situation of some of the states, to whose citizens large sums are due. He said he had no doubt the general government would consider themselves bound to pay those demands; could he despair of the public faith in this respect, he should despair of the commonwealth; for he should anticipate the most pernicious consequences to flow from the withholding that justice, which those states now looked to the general government to obtain.

Mr. Mercer observed, that the honourable gentleman from Pennsylvania had brought forward his proposition in such a shape, as that it was difficult to determine what his object was; but he inferred from his explanations, unless he contradicted himself, that the real object was a further assumption of the state debts, and to effect the adoption of a question which was rejected the last session. Here Mr. Mercer entered into a consideration of the various principles which had been proposed as bases for settling and adjusting the accounts between the United States and individual states. He contended that the business was not in such a state as to justify adopting the principle of the resolution. He adverted to the approaching dissolution of the present Congress. He remarked on the difference of the exertions which had been made by the several states—he inferred that there must necessarily be both debtor and creditor states; and hence deduced various considerations which should influence a postponement of this business.

Mr. Gerry recurred to the funding act, to show that debtor and creditor states were therein recognized; with respect to the principles on which the accounts are to be settled, that