

# CONGRESS.

HOUSE OF REPRESENTATIVES.

Thursday, November 27, 1794.

*Debate on Mr. Dayton's motion to restore the words "self-created societies and," which had been expunged in the address to the President in answer to his Speech.*

Mr. DEXTER rose in reply to Mr. Madison. He said that, if he viewed the subject as trivial as some gentlemen appeared to, he would not trouble the house with any further remarks, after having so long detained them while in committee; if he viewed the amendment proposed as dangerous to the most perfect freedom of expressing political opinions, as the gentleman seemed to who was last up, he would be the last to support it. He said that the most certain way to destroy this freedom was to encourage an unlimited abuse of it, and the way to render a free press useless was to prostitute it to the base purposes of party and falsehood, until wearied with constant impositions the public would reject all information from that source as uncertain and delusive. He said that the most successful weapon used by the enemies of civil freedom ever had been, to push the ideas of Liberty to such wild extremes as to render it impracticable and ridiculous, and thus to compel the sober part of the community to submit to usurpation as a less evil than utter insecurity and anarchy; he added, if America loses her liberty, this will be the instrument of her destruction. We possess, he said, greater equality of property and information than any other nation; the means of subsistence are so easily obtained that no man is necessarily dependent on the will of another; from these circumstances our country is more fit than any other for a republican form of government; if we fail in maintaining it, we shall be fairly considered to have made an experiment not only for ourselves, but for the world, which will prove that the beautiful theory of civil freedom is not practicable by man; that ambition and envy, aided by ignorance, are naturally too strong for patriotism. Mr. Dexter said, that the nature of civil freedom is more obscure than its real friends could wish; that it consists rather in what it forbids than in what it allows, that man was free before he became a member of society, that the great object of associating was not to obtain freedom, for that was possessed before; but to guard against the abuse of it in violating the rights of others. My liberty, he said, is that all other citizens are restrained from violating my rights, and the liberty of each one of them is, that I and all others are equally restrained from violating his rights. Restraint then is necessary to constitute civil liberty, and the uniformity of this restraint, as it operates equally on all classes of citizens, is equality. I know Sir, that a doctrine very different from this has been held by some false apostles of liberty, and that the aspiring, the vicious, the desperate and the weak have flocked to this standard; by them the power to violate the rights of others, and disturb the public peace with impunity, has been prophane-ly called liberty, and the universality of this has been called equality. Can I be a freeman, Sir, if the government, which is my only security for all my rights, may be invaded with impunity, and my reputation the dearest of all possessions, and the best reward of virtue, blasted by the foul breath of slander and falsehood? When this shall be admitted as a principle in the American code, we shall call that freedom which will be our misery; we shall cease to deserve liberty; we shall need a master. Let men meet for deliberating on public matters; let them freely express their opinions in conversation or in print, but let them do this with a decent respect for the will of the majority, and for the government and rulers which the people have appointed; let them not become a band of conspirators to make and propagate falsehood and slander; let them not intigrate to the highest crimes against society; and, Sir, if any have done, let not us encourage them in these outrages by calling them the exercise of the inviolable rights of freemen. To suffer misrepresentations of government to gain credit among the people, is giving a blow to the weakest part of our government. It would be a most important political acquisition if means could be devised to scatter thro' the union true ideas of the measures of government. The best intentions cannot now guard the citizens from being deceived by the cunning and depraved; some improvement on this subject seems essentially necessary to perfect the system of political freedom. Scattered as our

countrymen are over an immense country, and employed in useful industry, perhaps this is rather to be wished for than expected; but we can at least take measures to prevent the most fatal effects from misrepresentations and scandal. Mr. Dexter said, he had made these remarks as being applicable to most of the reasoning against the proposed amendment, and particularly to that of the gentleman from Virginia who laid it down, (Mr. Madison.)

He was no more inclined to infringe rights which the people had reserved than that gentleman, but he did not know any article or principle of the constitution by which the people had reserved to themselves the precious right of vilifying and misrepresenting their own government and laws and exciting treason and rebellion with impunity. However inalienable the right of free discussion of public matters and of a free press might be, and no man valued them more highly than himself, he thought that when they were abused as to become hostile to liberty and threaten her destruction, the abuses ought to be corrected, and he argued from the principle of self-preservation that the government of every country must have the right to do so. Unless those are more sacred than the very liberty they are designed to secure, this cannot be denied. Mr. D. observed that Mr. M. had stated as a principle, from which to argue and on which almost all his deductions were founded, a proposition so doubtful in itself that it ought rather to be proved, than assumed as a first principle from which to reason, viz. that we cannot rightfully intermeddle in any way with a subject, which we cannot regulate by law. Admitting it to be a true and self-evident proposition, however, he said, it concluded nothing against the amendment. For it would still remain to be proved, which it never could be, that the legislature had no right to restrain such abuses by law. He did not think it necessary or expedient to make any law on the subject, he hoped it never would be; but he did not doubt the right to forbid such flagrant outrages on social order and all arts tending to produce them. There can be no better proof, he said, that such laws may be made than that they now exist. Mr. M. had mentioned religious societies as not to be prohibited by law; as such Mr. D. said they clearly could not be, no more could harmless discussions of political subjects by individuals or associations; but would any man doubt, when under the pretence of the exercise of these rights the blackest crimes were instigated and perpetrated, that the law had a right to punish? The clubs have waged war not only with the government which the people have instituted and the rulers which they have appointed, but they have counteracted all the most essential principles of republicanism. They, being a small minority, have attempted to controul the majority; to usurp a power which the people never delegated to them, to act as censors may controulers of the government and laws; they are responsible to nobody for the exercise of it, and are to continue in office as long as they shall please. Such societies have all the properties, except the power, of absolute despotism; yet these tyrants prate about liberty and prophane the name of republicanism. Mr. D. adverted to Mr. M's observation that the censure intended must be a punishment, and that the House had no constitutional right to convict or punish for crimes. If, the proposed amendment be a punishment, he said, it is of a singular kind; it is punishment in the abstract without an object punished. It says that certain self-created societies have trespassed, Can this be called a stigma on all such societies? The word certain forbids this construction. Which society is punished? None unless conscience or public opinion shall designate the object. The President in another part of his address has lamented that certain citizens have shewn themselves capable of an infurrection, and we have done the same in our answer; is this a stigma on all citizens? It had been repeatedly said, that the measure is unnecessary, because the danger has subsided; but he asked, is it not necessary to inform the people from whence the evil arose, to guard against a repetition of it? Can we always presume on the same prompt patriotism of a future Executive; or the same public confidence in his measures, and compliance with his requisitions? Or on the same good fortune in reclaiming or subjugating the disobedient?

There was a time when the infurrection was truly formidable; it rose like a waterspout threatening to annihilate gravity and throw the Ocean to Heaven; as that by force of the general principle of attraction returns again to its former level and mixes with the sur-

rounding waters, so this civil tumult has been overcome by the energy of the laws; but it is folly to incur future evils presuming on similar good fortune. The heavy hand of despotism may forcibly hold down the scale which preponderates, and preserve public order; but in free establishments like ours, where the scales are nicely balanced, the smallest breath disturbs the equilibrium.

A gentleman from Virginia, (Mr. Giles) has compared the amendment to the denunciations of France. Those were not uttered by the organs of the public will; they were denunciations of individuals or self-created societies against individuals, whereas this is neither. This is only stating a fact for public information. The same gentleman and many others have said that we have no sufficient evidence of this fact. We know Sir, that resolutions of such societies encouraging rebellion were made and published; we know that their natural effect did take place. Knowing then both the cause and effect, can we doubt of their connection? If I see a firelock pointed at a man, hear the discharge, see the man fall, I on inspection find a ball lodged in his body, can I doubt as to the cause of the death of the man, because I could not see the ball pass from the muzzle to the man? Must we see things in their nature invisible, before we believe? The President has been present at the scene of infurrection, we have his testimony on the subject, and other official communications are not wanting. We have the pointed testimony of the member from Pennsylvania, (Mr. Scott) who was an eye witness. He tells us that the club there directed the infurrection, that the same men were leaders in the club and in the field, and that they corresponded with other clubs. The gentleman from Virginia, last alluded to, has said that discontent and disturbance existed there prior to the establishment of clubs. But does it follow from this that their measures when established did not increase the evil, and, by deceiving the malcontents as to the principles and conduct of the Government and the disposition of the people, encourage them to take arms? The clubs declared they spoke the opinion of the people and the deluded insurgents believed them. The same gentleman has said that the President addresses the public, and not us, on this subject, and therefore does not expect an answer. Why Sir shall not we join in the address, if it be true and useful? The Senate have done it; if we do not, we seem to contradict it. If we do not, we create a dangerous disengagement between the different branches of Government, distant the public mind, and encourage disorders. If the member from Pennsylvania is to be credited, the clubs are more criminal than the deluded insurgents; yet we have censured the latter without reserve.—Why Sir, has the gentleman from Virginia (Mr. Giles) criminated so severely our zeal on this question? Why has he condemned the oratory it has excited, when he often gives us such handsome specimens of it? If liberty and our country are in danger, it is treason to be cold. From the gentleman's censures on the loose reasoning and warmth in favor of the amendment we were led to expect from him the most dispassionate demonstration, yet the gentleman appeared in some of his reasoning more ingenious than solid; it was too fine spun to be strong. The strength of his understanding, like the intense heat of the sun, produced a vapour to obscure its own effulgence. One plain distinction is an answer to most of the reasoning of this gentleman and his colleagues. We do not contend for controuling or even animadverting on the rights of opinion or of publishing opinions. We wish only to call the attention of the public to the abuses of those rights and the crimes such abuses have produced, which endanger the existence of those very rights, and liberty in general, in order that the people knowing the evil, may themselves correct it.

*Debate to be Continued.*

## Foreign Intelligence.

### NATIONAL CONVENTION.

Sept. 21.

Carnot, in the name of the committee of public safety, presented the following report on the events that preceded, accompanied and followed the surrender of Valenciennes, Conde, Le Quesnoy, and Landrecies.

"Your committee had resolved to surround the enemy, and cut off their communication. Jourdon executed this determination on the banks of the Sambre, Pichegru on the banks of the Scheldt. It was necessary to retake the fortresses of which the enemy had obtained possession, and in order that it might be done more speedily it was resolved to adopt revolu-

tionary means; the decree of the 16th Messidor ordered, that such of the garrisons should be put to the sword as refused to surrender within 24 hours after being summoned. Nevertheless it was not forgotten that this law might become a terrible weapon against ourselves, by infusing despair into the minds of the foreign troops. The committee felt that the convention, did not mean to pass a decree of carnage, but to save the country. They therefore suffered the generals to use their own prudence, with respect to executing or not executing the decree. The four garrisons were restored to the republic in less than four decades.

"We found in Valenciennes, 5 millions of florins, in specie, about six millions and a half of livres. Landrecies did not chuse to wait till her fortifications should be injured. Le Quesnoy and Conde made still less resistance. The commanders of such of the places as did not obey the decree within 24 hours prescribed, were arrested and rendered responsible for the non-execution of the decree. Despoils are the only persons whom the convention would punish, and not those who have the misfortune to be their slaves. (Loud applause.)

"Notwithstanding the perfidy of Robespierre, who gave it as his advice, that each of the places should be assaulted, tho' he knew that each assault would cost us at least 6000 men, notwithstanding the hopes of that monster who waited only for a check on the part of our army, for the purpose of accusing his colleagues, Valenciennes, Conde, Quesnoy, Landrecies, and Newport, cost little blood to the republic, ere they were restored. The garrisons surrendered at discretion, and France triumphed by her generosity and courage.

"In remembrance of these blissful events, Conde has received the name of Nord Libre; and under the walls of that fortress we found 190 waggons of stores, provisions, and ammunition of all kinds.

"The emigrants taken in the different garrisons, have been delivered to the military tribunals. The rational representatives on missions, have taken proper steps to restore to those four communes the usual activity in their commerce, primary schools and authorities.

The report was received with great applause, and the Convention immediately decreed that,

1. It should be printed and sent to the armies, the popular societies, and constituted authorities.
2. The convention approve of the measures taken by the committee of public safety relative to the surrender of the four garrisons, and the decree of the 16th Messidor.
3. That six copies of the report should be delivered to each of the deputies.

### LONDON, Oct. 3.

Twenty Bylanders, loaded with stores belonging to the British army, have been taken by the enemy in passing down the Meuse.

The Proclamation for the further prorogation of the Parliament to the 25th of next month, is expected to appear in the Gazette of to-morrow evening.

Yesterday, a patent passed the Great Seal, appointing Lieut. Gen. Sir John Vaughan, K. B. commanding general of the troops in the West Indies, in the room of Sir Charles Grey, who is on his return to England.

Orders are given for all the troops in British pay to be withdrawn from the Dutch Fortresses.

The combined Swedish and Danish squadrons, consisting of 12 ships of the line, 4 frigates, and 4 cutters, sailed on the 14th ult. with the Prince Royal of Denmark on board the Admiral's ship, on a cruise in the North Sea for a month. The Prince Royal has landed at Elsinore, but the United Fleet is to keep at sea for a month.

The misunderstanding between Denmark and this country, is so completely done away, that the Danish Underwriters have again begun to take insurances on ships.

The Russians defeated the Polish General Chliwinski, on the 21st of August near Olika. The Russians took the whole Polish camp, six pieces of cannon, and killed 200 Poles.

October 4.

We understand that the difference between a Great Personage and Mr. Pitt, no longer subsists. The parties have been reconciled through the interference of Mr. Dundas, and the Duke of Portland.—It is now settled, if His Royal Highness the Duke of York, is prevailed upon to surrender the Command of the British Army to another General, that the resignation of the Earl of Chatham, as first Lord of the Admiralty, is immediately to follow.

October 3.

Yesterday afternoon three messengers and two mails reached town from Holland. The messengers were Messrs. Hunter, Caviza and Major. The latter, who came last from the army, left it on the 26th. His Royal Highness the Duke of York had changed his ground. No action had taken place.

*From a London Paper of the 4th October.*

### THE SPECIAL COMMISSION.

The Special Commission for the trial of

those confined in the Tower on the charge of High Treason, was yesterday opened at the Sessions-House, Clerkenwell-green. The Commissioners were, the Lord Chief Justice of the Common Bench, the Lord Chief Baron of the Exchequer, the Lordges. Grose, Lawrence and Buller, the Judge Mr. Baron Hotham.

Their Lordships at half after nine o'clock in the morning assembled in Serjeant's Inn, whence they went in procession to Smithfield, where they were met by the county officers, &c. who attended them to Hack's Hall. The whole way was lined with soldiers, and the crowd in the court and the adjoining streets almost innumerable.

Their Lordships having taken their places on the bench, the Speech of the Lord Chief Justice was read. The court then proceeded to the appointment of a grand jury when out of the legal number on the panel were selected the following gentlemen, viz.

Benj. Winthrop, Foreman Thos. Boddam

John Henry Smedley	George Ward
Edward Ironsides	Joseph Lauffer
Benjamin Kenton	Thomas Cole
Rawlin Harberton	Robert Wilkinton
John Eyres	George G. Mills
William Pardoe Allet	Henry Wright
John Perry	John Hatchett
Samuel Winflow	Rowl. Stephenson
Henry Peter Cuffe	John Campbell
Samuel Hawkins	and
John Hankey	Thos. Everett Esqr.

The Chief Justice addressed the grand jury and concluded with a humane admonition in favor of life. "It is" said he, "your business to stand forward in protection of your fellow-subjects, if innocent. If you shall believe them, by the evidence to be laid before you, not guilty of the heinous crime with which they stand charged, it is your duty to ignore the bills, and not subject them to a trial for their lives."

"But at the same time you ought also, if a sufficient ground of accusation shall appear, to take care of our gracious Sovereign, and the preservation of our happy and most valuable constitution.

The grand jury having retired, thirty-six witnesses were sworn to give their evidence on the first indictment; after which the jury proceeded in the examination of witnesses, and afterwards adjourned till ten o'clock this morning.

### UNITED STATES.

FREDERICK-TOWN, Nov. 20.

On Friday last came to this town, six persons, amongst them the celebrated captain Hoffer, charged with high treason against the constitution and laws of the United States; they were arrested some time ago, in the county of Washington—they left this town on Saturday morning escorted by a suitable guard, on their way to Annapolis, to take their trial at the general court, now sitting in that city.

HAVERHILL, Mass. Nov. 21.

On Tuesday last, that noble structure the BRIDGE over Merrimack river, was opened for Passengers—a work stupendous, and which was tho't by our ancestors impracticable but by the genius of the worthy President and Directors, in its origination, will be the wonder and praise of posterity;) At sun rising flags were displayed and cannon discharged from the several arches: At three o'clock, P. M. the President Vice President and Directors, Artificers and Labourers each with some toll emblematical of their profession, walked in procession over it, from this Town to Bradford shore, followed by the Clergy, Civil and Military Gentlemen, the School Master with his Scholars and others which collected upon the occasion, to the number of about 2000.—On the verge of the river, a collation was provided for them by the proprietors, and the whole invited to partake.—At sun setting the flags were struck at the discharge of the cannon on the bridge, and the company separated.—The regularity and order that was observed among such a large collection, was very remarkable.

The strength, elegance, workmanship, and situation of this bridge, is not equalled in America, and perhaps not excelled in the world: it is 860 feet long, 34 feet wide, with three arches 182 feet each in length, supported by Stone Piers and Abutments.

BOSTON, Nov. 22.

John Henry, of the American Theatre, who died not long since, on his passage from New-York to Newport, had too much merit to quit the stage of this world, without some expressions of applause for having performed well the part of an honest man, an agreeable companion, a genuine philanthropist, and a sincere friend. He was educated at Trinity College, Dublin; served under Gen. Burgoyne in Portugal, and was for some time in the family of the Duke of Northumberland, when Lord Lieut. of Ireland. He came to America in a dramatic character, and has not only been admired as such, but highly esteemed for the qualities of his heart. He had conversed much with the world, and had passed through a great variety of scenes in the tragical farce of this life. When we