

CONGRESS.

HOUSE OF REPRESENTATIVES,
Friday, March 18.

Debate on Mr. Livingston's resolution continued.

Mr. Isaac Smith did not pretend to prescribe limits to other men's faith—but he never could believe that men as wise as those who composed the Convention, would have left so important a regulation as was now contended for by some gentlemen, to mere uncertain construction. He believed if they intended that House should have had an agency in the making of treaties, they would have said so in express terms—Had they done so? No, think like it. So far from it, that they had unequivocally appropriated the treaty-making power to the President and two thirds of the Senate in terms as express and positive as words could form; and the gentlemen in opposition could not—did not deny it. But say they, this power may be abused, shamefully abused, and therefore, we will construe it out of the hands the people have placed it in. We will assume and declare ourselves the sole guardians of the people, and we will cry out liberty, liberty; and, as the people love the sound (he hoped they would always love the substance) perhaps they will believe us. Here rests the fallacy. The people knew whether they knew or not, that they chose the President, and they firmly believe, as well they may, that he is their guardian. The people knew that they also chose the Senators, and they likewise think they are their guardians. How we, said he, became sole guardians will require a modesty superior to that of New-England to explain. The people have declared that the President and Senate shall make treaties, without a single exception, and left there should be any mistake or cavilling about it, they have put it in written words, as they thought, too plain to be doubted, too positive to be contradicted. It appeared to him that it was a sufficient answer, though a short one, to all the laborious arguments, had in favour of their interference to say, that the people will it otherwise *sic volo, sic jubeo, sic prorsus voluntatis*. If they had under consideration alterations, or amendments to the Constitution, those arguments might perhaps be proper; but as matters now stand, they are mere inapplicable declamation.

A gentleman from Virginia told them that the government of the United States was a government of checks, but said that in the short time it had existed, they were completely roared. Nevertheless he mentions several checks that still stand their ground, among others biennial elections were a check upon the executive. According to his calculation, he said, they were a check upon that House, in the ratio of four to two and of six to two and therefore, the people trusted them less, than any other branch of government, and he most cordially adopted that gentleman's own words, "if the opinions now contended for prevail, nothing will remain to be done by checks." *Constitution will answer every purpose.*

Several gentlemen had adduced arguments from the government of Great Britain, and had attempted to assimilate the American government to it, to give them the greater force. He would examine that matter. Did the people of England choose their King every four years? Was he impeachable? No, he can do no wrong. Did they elect their House of Lords or Senate? No, they are hereditary, as well as their President. Must two thirds of them approve every treaty before it can become valid? No such thing. How a parallel then, could be formed out of such diverging lines he left to wiser men, it was greatly beyond his poor abilities, and he was equally incapable of comprehending arguments drawn from so mysterious a source.

A gentleman from Virginia boasted much of the superabundant love of liberty that prevailed in the state he had the honour to represent. The groans of 3 or 400,000 black people held in bondage, he said, afflicted his ears, and made him hesitate altho' he wished to believe the encomium he bestowed. He did not like boasting—it provoked retort and offence followed. He should not say one word in praise of New-Jersey—it did not need it.

Mr. Livingston said, that the very able support this resolution had received, might seem to release him from any obligation of speaking in its defence, nor would he now trouble the committee with any observations on the subject, if those he made on the introduction of the business had not been mistaken, and his subsequent explanation partly suppressed—He had stated when he had laid the resolution on the table, as a reason for requesting the papers, that important and constitutional questions would probably arise on the discussion of the treaty. It had been represented (certainly from misapprehension, not design) that he confined the use of the papers to the elucidation of a constitutional question only; and it had been asked with an air of great triumph, how the instructions and correspondence could throw any light on the question of constitutionality, to decide which nothing was necessary but a comparison of the treaty with the constitution? Mr. Livingston said he had not confined the utility of the papers to that point, but that if he had, it would not be difficult to suppose a case in which they were necessary to determine the constitutionality of the treaty.—The constitution, he said, gave to the President the powers to make treaties by and with the advice and consent of the Senate. Men, respectable for their talents and patriotism, had supposed, that by the true construction of this clause, the President could make no treaty unless by the previous advice, and the subsequent consent of the Senate; in other words, that the Senate should advise the making of a treaty which they could only do before it was commenced; and should consent to it by a ratification after it was concluded—He would give no positive opinion on this subject, but supposed it a point worthy the attention of the house. The construction, he said, appeared reasonable, & had been heretofore sanctioned by practice. Two instances he could recollect; one was in the treaty of Holstein, where Governor Blount was vested with full powers and specially empowered

by and with the advice and consent of the Senate.—The other instance was found in the answer of the President to the French minister, who offered to enter into negotiations for a treaty of commerce, which the President declined by referring him to the meeting of the Senate, which was not then in session.—If the President supposed he could not commence a negotiation without the concurrence of the Senate, it gave force to this construction; and, if it was a true one, nothing was more demonstrable than that the papers were necessary to determine whether the treaty in this point had been constitutionally made.

But whatever doubts, Mr. Livingston said, might have been occasioned by the general expressions with which the motion had been introduced, they must certainly have been removed by the explanation which had been very properly demanded by the member from Connecticut, (Mr. Tracy). He had, on that occasion, declared, that the papers were required for general information, to be applied as that information might render it proper.

1. To the superintending power which the House had over all the officers of government—and

2d. To guide their discretion in giving or refusing their sanction to the treaty in those points where it interferes with the legislative power.

Gentlemen had found it convenient, because some others had disavowed any intention to impeach, to consider the first ground as wholly abandoned; but in the nature of things this could not be the case. It was impossible to determine that we would not impeach, until the papers were seen. Facts might then appear that would render that an unavoidable measure which was not now contemplated. If, for instance, he said, instead of a treaty with Great Britain, we were now discussing one formed with the Porte, where it is the custom for ministers to give and to receive presents; and on the production of the correspondence it should appear that our minister had received a douceur on the signature of the treaty, he asked, whether, in such case, that House would not think themselves obliged to impeach: if they would, (and he thought the obligation could not be denied) when cases might exist where without any previous intention, an impeachment was unavoidable. The integrity of the gentleman who had formed this treaty, was, he said, too well established, to lead any one into a supposition that anything of the kind could have occurred in this instance; but it might in others. The idea of impeachment, therefore, though not at present contemplated, could not be formally abandoned.

Before he considered the second and most important ground of opposition, Mr. Livingston said he would take notice of an objection to the form of the resolution, by a gentleman from South-Carolina, (Mr. Harper). It was of a kind which he had not expected from the quarter in which it arose. He had objected to the humble style of request. If we had a right to the papers, we should demand them. "I would plant my foot here, says the gentleman, and require the papers as a right."—Mr. Livingston said, that the resolution was couched in the respectful terms with which that House had always addressed the first magistrate of the Union; that civility and respect were always due to him; and that he was persuaded the member would see the propriety, (on this, as he had on other occasions) of transferring into public life that urbanity and politeness for which he was so remarkable in his private intercourse. The same gentleman had observed, that there was no reason for requesting the papers, because any member might inspect them in the clerk's office of the Senate.—He could not suppose if this were the fact that the publicity of the papers was a good reason to prove that they ought not to be communicated. Mr. Livingston did not however think that individual members ought to owe their information to the courtesy of an officer of the Senate which they had a right officially to receive as a body. It had been stated, that he (Mr. L.) having had access to these papers, could not want any information they might contain. He would state the facts relative to that transaction: It was true, he said, that as chairman of the committee appointed to enquire into the case of impressed seamen, he had been indulged with a view of the instructions and correspondence; but engrossed by the important object then referred to him, he had paid little or no attention to such parts as did not relate to that subject. After an interval of some days, he went with an intention of completing the perusal of them, but was told that he could not see them without leave of the Senate. "What I did see (added Mr. L.) convinced me of the propriety of the whole being laid before this house. I found, in so much of the instructions as I did read, a positive direction to conclude no treaty of commerce, unless certain important articles were agreed to which are not found in the instrument before us. Among them, if I recollect right, was a stipulation, that free bottoms should make free goods." He had been informed that these instructions were altered, and a fuller instruction given to the minister, but this was a point which he thought it essential the house should be informed of. Leaving, however, the ground of superintendance, which would make this enquiry necessary, gentlemen had chosen to put the question at issue on the other point, and had endeavoured to show the impropriety of the demand by denying any discretionary power in the legislature, either to judge of the treaty itself, or decide on the propriety of carrying it into effect. Mr. L. said he was not unwilling to meet them on this ground, and to consider the decision of this motion as declaratory of the sense of the House on that important question, whether it is constitutionally bound to give its sanction to every treaty that may be formed by the other branches; and to provide all the sums necessary to fulfil every stipulation they may make—for to this extent did all their arguments go.

[Mr. Livingston's speech to be continued.]

Thursday, May 5.

The Speaker informed the house that he had received a letter from the Governor of Maryland, informing the house that an election for a member of Congress, in the place of Mr. Duval, resigned, had taken place, which communication was read.

The gentleman elected is Richard Sprigg, jun. Mr. Parker presented two petitions respecting the British treaty, one in favor and the other against its being carried into effect, from Norfolk; Mr. New one from King William, and the Speaker one from Westmoreland in Virginia, in favor of the British treaty. Ordered to lie upon the table.

Mr. New reported that the bills for carrying into effect the treaties lately concluded with Spain, Great Britain, Algiers, and the Indian tribes, were laid before the President.

A report of the Attorney-General relative to the contracts of John Cleve Sims, for certain lands in the North-Western-Territory, was twice read and ordered to be committed to the committee of the whole.

The following bills were read the third time and passed, viz. for compensating Jonathan Haskings for extra services; for the relief of Samuel Brown; for the relief of Moses Miers; for authorizing a light-house on Cape Cod; for allowing compensation for horses killed in Battle; and for establishing several new ports of entry and delivery.

Mr. Goodhue, chairman of the committee of commerce and manufactures, made a report on the memorial of Sylvanus Bourne, vice consul at Amsterdam, for the reimbursement of 206 dollars expended in the relief of the master and crew of the ship Washington, which was wrecked upon the coast of Holland in November last; and also upon the petition from the state of Delaware, praying that provision might be made to prevent the stealing of negroes and mulattoes. On the first case, the report was in favor of the memorialist, it was twice read, and a bill ordered to be brought in. Upon the latter a law was recommended to be passed, and the report was committed to a committee of the whole.

The house resolved itself into a committee of the whole, Mr. Bourne in the chair, on the bill making provision for the payment of certain debts due to the Bank of the United States, which, having gone through, the committee rose, the house took it up, and it was ordered to be engrossed for a third reading.

The house then resolved itself into a committee of the whole. Mr. Bourne in the chair, on the message of the President relative to the Tennessee country, and after some debate thereon, the committee rose, and had leave to sit again.

Mr. Sitgreaves reported a bill for repealing so much of the act as directs that the district court of Pennsylvania shall be held alternately at Philadelphia and York-Town, which was twice read and ordered to be engrossed for a third reading.

Adjourned.

Philadelphia,

FRIDAY EVENING, May 6, 1795.

On Sunday, there will be Charity Sermons and Collections, in Christ Church and St. Peters, for the free schools of the Protestant Episcopal Church.

On Tuesday departed this life, in the 21st year of his age, Mr. ROBERT MEADE, eldest son of Mr. George Meade, merchant, of this city. The young gentleman, whose death is here recorded, after having given evidences of a promising understanding in the studies of his earlier years, had applied himself to mercantile business, with an industry and a discretion, which prefigured future usefulness and success. But when the time drew near for his entering on active life, he was arrested by a painful and lingering disorder, which at last ended in his dissolution; an event distressing to his family and friends; although accompanied by all the consolations, which arise from the recollection of his personal and domestic virtues; more especially, of the patience and the piety with which he sustained his tedious illness, the resignation with which he drew near to the end of his temporary existence, and the hope which he cherished and in which he died, of the happiness of a state, in which all sorrow and suffering shall be done away.

His remains were yesterday deposited in Christ Church, with those of his maternal grandfather, Richard Worlam, Esq. formerly of the island of Barbadoes.

Extract of a letter dated Havana, April 11, 1796, to a merchant in this city.

"The packet that arrived a few days ago from Spain, brings out an order to suspend the admission of vessels from the United States with flour and provisions into this port."

The meetings and petitions in favor of carrying into effect the British Treaty are more numerous than we can recollect to have ever been the case on any other occasion. No single newspaper is commensurate to the republication of them. The spirit is extending itself to all parts of the Union and the instances of petitions against the appropriations, are very few indeed. A striking demonstration that THE PEOPLE consider their ALL at stake.

The Aurora of Philadelphia charges the Minerva of New-York, with calling names!

The mode of stating facts as practised in the Aurora. "The sense of the people has not been had in favor of carrying the Treaty into effect.—The names of a small portion, obtained by diffusing falsehoods and the abundant exercise of undue influence were indeed brought forward. The enemies of the Treaty, generally, confided in the House, and thought it needless to counter-petition."

REMARKS. The idea of petitioning the House of Representatives against the British Treaty after it became a law originated in that hot-bed of sedition, the mother club of democracy. The leaders of that club are known to be hostile to a balanced government. This is the key to unlock every gilded cabinet of democratic curiosities held out to delude the people. Let this key be applied, and it will invariably be found that what appears so fair to the eye, is nothing less than Pandora's Box "of treasons, stratagems and spoils."

THE PEOPLE, in the proper sense of the word, have petitioned the House to do their duty, and there is no doubt that the leading principle is, left the House should by usurping the power of the

three branches, prepare the way for all the horrors of a Conventional government.

Extract of a letter from George-Town, (Maryland,) dated April 22, 1796.

"The people in this quarter are beginning to see the necessity of expressing publicly their sentiments in favor of the execution of the British Treaty. We had a meeting of this town yesterday, and a memorial signed by upwards of 400 citizens goes on by this day's mail to Mr. Crabb, to be presented to Congress. We were unanimous—and so is the state—at least the opposition is so trifling, as not to be mentioned. If nothing else will make your House act right—and if the unequivocal sense of the people, will, I think it would be good policy to delay for a few weeks the decision of the treaty question. I am sure the people of Maryland will very generally come forward, and I have no doubt they will in other states. Even in Virginia—the strongest and most respectable Counties, are becoming very friendly to the treaty. The President's conduct is approved every where I believe where men can think."

WILMINGTON, (N. C.)

Extract of a letter from a gentleman of respectability in London, to his correspondent in this town, dated January 7th, 1796.

"You may perhaps think that our finances will be exhausted by a continuance of the war; but if you do, you are certainly in an error; as the resources of this country are great in the extreme, whilst our commerce exists. The loan of 18 millions was no sooner announced, than in the city they began to quarrel who should lend it; and who ought to have had the preference, is now a subject of examination before one of the committees of parliament; and a bank director told me, that if the minister had wanted 50 millions instead of 18, he would have got it with the same facility. At present we have the trade of almost the whole world, and so great is the want of room on the banks of the Thames to land merchandise, that many vessels have lain nine weeks on demurrage on that account. To remedy this grievance in future, a number of respectable merchants have it in contemplation to build wet docks in and about Wapping; and the board of customs was applied to, to let their surveyor attend and estimate the expenses, whose report amounted to between eleven and twelve hundred thousand pounds; upon which a subscription was opened and filled in two hours, with a surplus of seventy odd thousand pounds."

CITY OF WASHINGTON, April 30.

Thursday evening a dreadful fire broke out at the elegant houses lately built by Mr. Peters, which, in a short time, reduced them to ashes. The damage cannot be estimated at less than 5000l. We lament there is strong reason to suspect that it was not an accidental disaster.

No certain intelligence was received of the Federal Loan Bill last night; although, from good authority, we are assured that the Senate took up this business on Monday last.

NORFOLK, April 28,

At a meeting of the citizens of Norfolk and Portsmouth, held at the Town Hall, in the Borough of Norfolk, April 26, 1796, convened agreeable to notifications to consider of the propriety or impropriety of addressing Congress on the subject of the British Treaty.

Seth Foster, Esq. Mayor of Norfolk Borough, was elected President, and John Cowper Secretary. Resolved unanimously, That an address be presented.

Resolved, That a committee be composed of the following gentlemen, viz. John Nivison, Wallis Willson, William Newlun, Thomas Emmeron, Richard E. Lee, John Kearnes, George Kelly, Daniel Bedinger, William Willson, Robert Taylor, jun. Josiah Cowper, Thomas Parker, and Edward Archer, to prepare an address for the consideration of the meeting.

The committee returned, and the Chairman reported the following address. [See address at bottom.]

The address being read, a motion was made to adjourn until to-morrow morning at 10 o'clock which was negatived.

A motion was made to adjourn until this afternoon at four o'clock, which was negatived.

On motion, Resolved, That the address reported by the committee be received as the sense of this meeting, and that the same, together with a copy of these proceedings, signed by the President and Secretary, be transmitted to the Representative of this district in Congress.

On the question, ayes, 90, noes, 83.

The meeting was then dissolved.

SETH FOSTER, President
John Cowper, Secretary.

To the Honorable the House of Representatives of the United States.

The Address of the Subscribers, Citizens of the towns of Norfolk and Portsmouth,

Respectfully represents, THAT they have attended to the deliberations of your honorable body upon the British treaty, with a solicitude proportioned to the importance of the subject, and that they were content to have awaited the decision of your honorable house, from a reliance that such decision would have comported with the honor and interests of our country. But as attempts are making to induce your house to adopt measures touching the said treaty, which, under existing circumstances, are not, in our judgements, calculated to promote the interests of our country, we cannot forbear also to express our sentiments.

We declare that we have ever considered that a treaty, in the nature of that now under your consideration, could not be fully and completely carried into effect without the concurrence of your house, founded on a conviction of the expediency of such concurrence; and we contemplate with extreme sensibility every attempt that has or may be made to deprive your house of such an important constitutional right.

We forbear to enlarge on this subject, though so interesting to our feelings, and we shall only add that we do not believe any partial or local considerations or policy, will influence your decisions on