

# WILMINGTON GAZETTE.

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## CONGRESS OF THE UNITED STATES, House of Representatives. Wednesday, Feb. 2.

The committee to whom were referred memorials from citizens of Washington and Alexandria, was authorized to report by bill or otherwise on such alterations, as may in their opinion be deemed proper in the act for the government of the district of Columbia.

The house took up the amendments of the committee of the whole to the bill respecting consuls, vice-consuls, &c.

After agreeing to the amendments, and making other amendments, the house ordered the bill to be engrossed for a third reading to-morrow.

The house went into a committee of the whole on the bill making provision for persons who have received known wounds in the revolutionary war. Mr. Varnum in the chair.

A conversation took place between Messrs. Griswold, Helms, Eustis, Macon, and Elmer, on the adequacy of the provisions of the bill to the cases for which it was provided; when, on motion of Mr. Eustis, the committee rose and reported progress; the house refused them leave to sit again, and recommitted the bill to the select committee that introduced it.

Mr. Hill called for the order of the day on the bill to prohibit the importation of certain persons, &c.

When Mr. Bayard requested the gentleman to waive his call for one moment, to enable the house to take his resolution respecting French spoliations laid some days since on the table, into consideration, for the sole purpose of giving it a proper disposition. His object, some days since he called it up, was to have it referred to committee of the whole house, not to urge its discussion on that day. His object was now the same, and his sole wish was that it should be referred, and a day named for its consideration. As, however, said Mr. Bayard, it may be voted down now, as it then was, without any reasons assigned, gentlemen will excuse me for calling the yeas and nays. I hope gentlemen will so far at least comply with the forms of justice as to suffer the case to be considered, whatever may be the ultimate decision upon it.

Mr. Randolph said he would ask the gentleman from Delaware, whether he had seen any indisposition in that house to discuss the subject. For his part he had seen none, either in the house or in any individual member.—He felt no objection to take up the subject at any time, and to discuss, or rather to hear the gentleman from Delaware discuss it. He hoped, therefore, the gentleman would not persist in taking up the time of the house by calling the yeas and nays.

Mr. Bayard said he had seen an indisposition in the house to discuss the subject; and the reason why the gentleman from Virginia had not seen it, was that he was not in his place on the day he had before moved that the resolution should be taken up. Had he been in his place, he would have seen that a motion to take it into consideration had been rejected without a single reason being assigned. But under the assurance of the gentleman that there was no aversion to consider the subject, he would wave his call for the yeas and nays.

Mr. Randolph said he spoke only for himself.

Mr. Bayard replied that he then persisted in the call.

The yeas and nays were then taken on taking up the resolution; and were Yeas 65—Nays 26—as follows:

YEAS—Messrs. Alston, Bacon, Bailey, Bayard, Bishop, Boude, Bowie, Brent, Brown, Campbell, Cutler, Dana, Davenport, Dawson, Dennis, Dickson, Early, Elmendorf, Elmer, Eustis, Foster, Goddard, Gregg, Griswold, Grove, Hastings, D. Heister, Hemphill, Henderson, Hill, Holmes, Huger, Hunt, Lowndes, Mattoon, Moore, L. R. Morris, New, Newton, jun. Perkins, Plater, Randolph, Randolph, jun. Read, Rutledge, Shepard, J. C. Smith, Josias Smith, Southard, Stanley, Steward, Stanton, Taliaferro, jun. Tallmage Tenney, Thatcher, Thomas, Tillinghast, Thompson, Upham, Varnum, Van Horne, Wadsworth, L. Williams, Wynns—65.

NAYS—Messrs. Archer, Butler, Cabell, Clay, Clopton, Condit, Davis, Gray, Hanna, J. Heister, Helms, Hoge, Holland, Leib, Meriwether, Mott, Smilie, Israel Smith, J. Smith, N. Y. J. Smith, Virg. Stanfold, Stan-

ton, A. Trigg, Van Cortlandt, R. Williams, Winn.—26.

The resolution was referred to the committee of the whole without opposition.

When Mr. Bayard moved that it be made the order for Monday next. Mr. R. Williams moved the 3d of March.

Mr. Gregg thought it was best to take the resolution up fairly & decide it at once.

Mr. R. Williams said he was willing to meet it fairly; but he thought one day sufficient for the investigation.

On Mr. Bayard's motion respecting French spoliations.

Mr. Bayard had no hesitation in saying, this was a question of a great moment and one well worthy of the deliberate attention of the house.—To be sure if there was a great press of important business, we would acquiesce in its postponement. But this was not the case. There was no business before the house of pressing importance. He was in favour of a fair and full investigation of the subject. The motion to make it the order of the day for the last day of the session when the press of other business would absolutely preclude an attention to it was tantamount to a refusal of full investigation whatever.—Unless the motion was withdrawn, he would therefore call for the yeas and nays.

Mr. Bacon said his mind preponderated against the claim. But to him it appeared that a postponement to such a day would be the same as declaring the claim should not be attended to. If the claim should be sustained by the vote of the house, it would surely require more than one day to make the necessary arrangements for carrying it into the shape of a law.

Mr. Bayard. No doubt the observation of the gentleman from Massachusetts is correct, that a postponement to the last day of the session is in effect precisely the same as to reject the claim altogether. Gentlemen ought to consider that our sole object is to bring into discussion the claims of our citizens. I do not undertake to express any opinion on the validity of the claims. No member on the floor is less personally or locally interested than I am. But I do not think that no claim whatever of the meanest nature should be decided upon until the party is heard. Many of our citizens who have incurred losses, suppose they have an equitable claim on the government. The claims have been announced in the public papers, and in petitions on the files of this house.—Is it then for this house to say they will not attend to the petitions of our citizens? For what do we ask? Simply for a discussion, and that a decision shall not be made, until those who consider themselves aggrieved shall be heard. Are gentlemen unwilling to trust themselves, lest their own conscience should compel them to an act of justice? But I will abstain from going into the merits of the subject. I will only repeat that there is no petition however worthless, but the house pays it a decent respect; by referring it, and allowing time for its examination. Will they then in a case of such magnitude as this where there are so many claims, so variously characterised; will they refuse this ordinary measure of respect? I will expect a different decision from the justice and candor of the house.

Mr. R. Williams said he would withdraw his motion, and moved that the subject should be made the order of the day for the 1st day of March, which would allow sufficient time for a full and fair investigation.

Mr. Smilie did not know what the gentleman from Delaware meant, when he said we were not willing to trust our consciences. He hoped every gentleman had as good a conscience as himself. For his own part, if there was time to discuss this subject, he would be willing to hear it discussed, and it would then appear who brought the merchants into their misfortunes, and who occasioned their losses. But as he believed there was not now time, he thought it best to postpone the consideration of the subject until the next session, when it would fully appear who had been the friends, & who the enemies of our merchants. In the mean time, he would only add that he would never be one of those who would consent to tax the agricultural interests of the country to pay the merchants.

Mr. Rutledge observed that it was

important that our merchants should be extricated from their present embarrassments. They wish to know the disposition of congress on their claims. This cannot be done if the present motion obtain: for the subject in that event will be precisely disposed of this session as it was the last. It was then referred, at an early period, to a committee, with whom it slept until near the close of the session, when a report merely of fact was made. The report was then made at a late day of the session, and the house never took it up. It is now proposed to be postponed until a very late day of this session, and it will then not be taken up.

Whatever the opinions of some gentlemen may be, it is a fact that many honourable and unfortunate merchants are now struggling with their misfortunes, produced by French spoliations, whom the hopes of relief from government has saved from ruin. They wish to know their fate, and no longer to be kept in suspense. Let their claims then be decided at once; and if gentlemen are ready to say they shall not be indemnified for losses which but for the renunciation of the treaty they would have been indemnified for by France, let them say so. It is known that France would have indemnified for these losses, but for the treaty. The most respectable letters have been received from France to this effect; and Mr. R. said the fact was within his own personal knowledge.

Under these circumstances the claims ought to be taken up, and decided upon speedily. If the gentleman was serious in naming so late a day, the house must be troubled with the calling of the yeas and nays; as it was impossible to expect that any thing that would be effectual, could be done after the 1st of March, as all the measures adopted by the house required the concurrence of the senate, and the details of a law.

Mr. R. Williams said he never permitted himself to propose any thing to that house in which he was not serious. He was serious in his belief, that if his motion should be adopted, there would be full time allowed for an investigation of the subject. He was in favor of the distant day he had named, in as much as he was convinced it would protect the house from the unnecessary consumption of a great deal of time, and which if taken up now, would interfere with the transaction of much important business.—Full time would still be allowed to decide the question of indemnity. He did not know that more was required this session by any body. He had not heard any member say that a law would be necessary this session. All that was required was a decision preparatory to a law. In his opinion this was an improper time to discuss the merits of the subject; he should therefore make no reply to observations of this nature, which he thought had been improperly offered at this stage of the business.

Mr. Bayard said he had fallen into the same mistake with his honourable friend from South-Carolina, in considering the gentleman from North-Carolina, as not in earnest in the motion he had made. He had not thought him serious, as the day named by him was so late as not to allow time sufficient for a fair discussion. The gentleman was not a new member and his experience could tell him how imperiously the house was occupied during the two or three last days of its sitting, in details indispensably necessary to complete business already begun. He had seldom known the close of a session when it had not been necessary to set on Sunday or till midnight. How then could it be expected that at such a period even the semblance of justice could be done to the subject? Whereas if it were earlier attended to, they might consult their own convenience. If it happened as had heretofore been the case, that they had more time than they knew what to do with, a much earlier day could be fixed on. But should the subject be postponed till the 1st day of March, it might be said if the house should not then go into a committee on it, that a day so late had been named with a view of deferring the subject to the next session. While if the house, actuated by magnanimity and justice, should go into its consideration, it would put it in the power of a minority, or even a few members, to prevent the transaction of other important business. Mr. B. said he would not pledge himself; but he rather thought the subject could be dis-

cussed in the course of one day.

The gentleman from Pennsylvania had mistaken him on the point of conscience. This was not astonishing as that gentleman often makes mistakes. He had said nothing about the conscience of that gentleman, as he knew nothing about it. He had asked whether the gentlemen were unwilling to trust themselves, lest their own consciences should compel them to an act of justice. This was all he had said, and it had not been said with any view to impeach the conscience of any gentleman on the subject.

Mr. Bacon hoped this business would be so conducted as to shew a disposition on the part of the house to meet these claims on honourable and fair principles, and as to manifest no indisposition to a fair and full discussion. It was undoubtedly a serious question. There were a number of respectable characters interested in the decision—respectable, because citizens of the United States.—He hoped their claims would be treated with all the candor and liberality they had a right to expect. He apprehended that two or three days were not sufficient, amidst the croud of other business at the end of a session, for a fair and full examination.

Mr. Dawson hoped the motion would prevail. A resolution in a great measure similar to those now proposed by the gentleman from Delaware, had been offered some time since by a gentleman from New-York. It was moved to refer that motion to a committee of the whole, and negatived; afterwards a motion was made to refer it to a select committee, which was also negatived. He did conclude from these decisions that a majority of the house were not disposed to discuss the merits of the question this session.—He believed this was still the sentiment of the majority, who considered the subject as not yet ripe for decision. He therefore thought the taking it up at an early day would only serve to waste time.

Mr. Gregg said that so far as his mind was made up, he was against the claim; but he was notwithstanding in favour of a full discussion of it. The subject had been attended to. The committee appointed last session had gone into a laborious investigation of it; and had made a report containing very important statements and facts. He wished the consideration to be so far delayed, as to allow time for the printing of this report. He was against the postponement to the first day of March; but thought the second Monday in February would answer.

Mr. Thatcher said he felt gratified at the house possessing more liberality, in giving an opportunity now to discuss the subject, than had been manifested before. Attempts made during the last session to discuss the subject had ended in nothing. This session when the gentleman from New-York (Dr. Mitchell) had offered a resolution, it had been negatived. The motion of the gentleman from Delaware (Mr. Bayard) to take up the present resolution had also been negatived.—But now a considerable majority were for taking it into consideration. He was however surprised at the motions for making the consideration of the subject the order of the day for the 1st and 3d of March, as they would in effect frustrate all discussion from the press of other business. The subject was of infinite importance, millions depended upon the decision. The merchants were anxious to know the result. A state of suspense was of all states, the most painful to them. Why then put off the decision of a claim in his opinion just, and to which the house ought not to shut their ears?

Mr. Eustis said whatever may have been the intention of the mover to postpone till the 1st of March, and of the intentions of gentlemen on this or any other occasion, he had no disposition to enquire—the tendency of the postponement will be to preclude a deliberate discussion. Those more conversant with the course of business knew better than he did, the pressure of business which necessarily crowded the last days of a session; and he was more averse to the motion from the removal of an honourable gentleman from Virginia (Mr. Dawson) who had risen to support the motion, and avowed his principal reason to be a conviction that the present congress ought not to take any decisive measures on the subject of the claims.—He differed widely from that gentleman. Independently of the magnitude and extent of these claims and of the situation of the concerned, the

house were called upon by a sense of public duty to bestow upon them a cool and deliberate consideration, which on ordinary occasions was extended to applications of an individual and inferior nature. The common course of business brings this subject to view. It will be recollected at the last session of congress, the memorials of the claimants were referred to the consideration of a select committee.—That committee reported a state of facts, and closed their report with the following words:

“Upon the whole view of the case, the committee submit it to the house, to determine whether the government of the United States be in any respect bound to indemnify the memorialists; and whether there be any ground for discrimination between the cases of losses sustained before the acts of the 28th of May, 1798, the 7th of July, 1798, and the 9th of July, 1793; and cases of losses sustained after those periods.”

From the late day of the session in which this report was made, no order was taken on it, no discussion was had. By this part of the report facts are offered for consideration; data are furnished; a discrimination in point of time, and of course in point of merit, is made; and the final determination is submitted to the house.

A sense of justice to the memorialists and a strong sense of public duty require that we meet the question and come to a decision. Those who appear already to have judged the question may possibly see in the statements which have been made and the arguments by which the claim shall be supported, reasons to alter their opinions. In any event and especially after a discussion, in case of an adherence to those opinions they appear already to have formed, if they fail to produce conviction on others, the reasons on which they ground those opinions may be useful to the house, and will accompany and justify the vote they shall finally give. When the question shall be decided (and I hope it will be in favour of an earlier day than that moved for) I shall move that a report of the committee of the last winter shall be referred to the committee of the whole, together with the resolution under consideration. It will be also proper at that time to give a second reading to the memorials which have been presented—the ground on which they rest their claim will be brought again into view, and by giving them a free discussion and consideration, we shall be better enabled to come to a just decision. These claims (like conscience) are of no party, the misfortune has been indiscriminate, and it is to be expected the final determination will be just.

Mr. Holland advocated a full discussion, and the assignment of an early day.

When the yeas and nays were taken on making it the order of the day for the 1st of March, and were yeas 74—nays 18.

On motion of Mr. Bayard it was made the order for the second Monday in February.

The house went into a committee of the whole on the bill to prevent the importation of certain persons prohibited by the states.—Mr. John C. Smith in the chair.

This bill originated in a petition from the citizens of Wilmington, N. C. and is contemplated to guard, by the imposition of heavy penalties, &c. against the introduction into the United States, of brigands from the French West-Indies.

The committee progressed in the consideration of the bill, reported progress, and obtained leave to sit again.

Thursday, February 3.  
The bill entitled an act supplementary to the act concerning consuls and vice-consuls, and for the further protection of American seamen, was read a third time and passed.

The house again resolved itself into a committee of the whole on the bill to prevent the importation of certain persons, whose importation was prohibited by certain states, and made several amendments thereto.

Friday, Feb. 4.  
A message was received from the president respecting certain complaints made of the incompetency of Judge Pickering of New-Hampshire to discharge the duties of a district judge of the United States.

Referred to a select committee.  
On motion of Dr. Mitchell the memorial of the merchants and manufacturers of New-York connected with

William Cortlandt