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[NUMB. 43.]

## CONGRESS.

Thursday, December 21.

### Bankrupt Bill.

Mr. Sewall moved, that the house go into a committee of the whole, on the bill for establishing a uniform system of bankruptcy throughout the United States.—The motion was carried 38 to 25.

The house accordingly resolved itself into a committee of the whole on this bill, Mr. Dent in the chair, when the bill, which is a very long one (of 59 sections) having been read by the clerk, the chairman was proceeding to read it by sections; when

Mr. Nicholas said, that this bill had been so long before Congress, that though it was included among other business of the session, no member had any certain expectation of being called to decide upon it. For his part, he must own he was not prepared to enter upon the subject. It was necessary to consult a great variety of authorities, and to examine English precedents to a great extent, previous to coming to a determination on a subject of this magnitude. However, if the committee will rise, and gentlemen will consent to let the business lie till next week, he would not himself wish for any further delay. He moved therefore for the committee to rise.

The question for a postponement was put and negatived 37 to 33.

The bill was then proceeded with by sections. Seventeen sections were passed through without much objection or debate; but some difference of opinion appearing in the committee as to the propriety of some parts of the eighteenth section of the bill,

Mr. Eggleston said, as he found that even those gentlemen who had confessedly paid particular attention to this subject, are disagreed with respect to the propriety of certain provisions contained in this bill, he trusted it would not appear wonderful that a new member should wish for more time to consider the subject. He therefore moved for the committee to rise.

The motion was put and carried, and the committee rose accordingly.

The speaker laid before the house a letter from the treasurer of the United States, inclosing his specie account, and his account with the war department, the one up to the end of June, and the other to the end of November, which was ordered to be printed.

Mr. S. Smith from the committee of commerce, reported a bill to amend the stamp duty imposed upon foreign bills of exchange, and bills of lading, by an act laying a duty on stamped vellum, parchment and paper, and further to amend the same, which was committed for to-morrow. Adjourned.

Wednesday, December 26.

The speaker laid before the house a report from the secretary of the navy, in conformity to a resolution proposed by Mr. J. Parker, on the 18th inst. which was ordered to be printed.

Mr. Griswold said, he wished to lay a resolution upon the table relative to a subject which, in his opinion, deserves consideration. Its object, said he, is to punish a crime which goes to the destruction of the executive power of the government. He meant that description of crime which arises from an interference of individual citizens in the negotiations of our executive with foreign governments. As every gentleman must be satisfied of the importance of this subject, and the propriety of making some provision with respect to it, he trusted it would meet with no opposition. The resolution was in the following words:

Resolved, that a committee be appointed to enquire into the expediency of amending an act, &c. for the punishment of certain crimes so as to extend the penal-

ties of the said act to all persons citizens of the United States, who shall assume the executive power, by carrying on any negotiations with the executive power of any other foreign prince or state, relating to any controversy, existing between such state and the U. States.

The house went into a committee on the unamended business; the bankrupt bill Mr. Dent in the chair: several amendments were proposed and agreed to. Mr. Otis proposed two amendments to the 10th section, which were ordered to be printed, on which account the committee rose and obtained leave to sit again.

Mr. Wain presented a petition from a number of the inhabitants of Philadelphia, complaining that the act of June 13th last, which broke off the intercourse between this country and France, and its dependencies, operated to prevent merchants from procuring the debts due from that country: they petitioned that the house would take such measures to prevent that injury as their wisdom should think proper.

Mr. Sewall moved to refer the petition to the committee on that part of the president's speech which respects invigorating measures.

Mr. Gallatin moved its reference to the committee of commerce, &c.

On the question for its reference to the committee of commerce, there were ayes 31, noes 46.

It was then referred to the other committee.

A message was received from the senate communicating, that at the high court of impeachment for the trial of W. Blount, the counsel in behalf of the defendant had submitted a plea to the court, a copy of which they communicated, which was ordered to be printed.

[For the plea referred to, see our last.]

Mr. Bayard moved, that this communication be committed to the managers of that impeachment, to proceed thereon as they should think advisable. He thought it was necessary they should be instructed in their proceeding respecting the plea put in by the defendant's counsel: if they were not instructed, they may be under the necessity of asking the will of the house respecting any measures they may think proper to adopt. As it would remove a number of difficulties, he hoped the instruction would be given. It was carried, ayes 52.

Mr. Pear presented a petition from Maryland, praying the alteration of some post roads. Referred to the committee on post-office and post roads.

The house resolved itself into a committee on the bill respecting the balances due from certain states to the U. States, Mr. Dent in the chair; which having agreed to, the house took it up, and on the question for engrossing it, for a third reading, there were ayes 56. It was ordered a third reading to-morrow.

The house then went into a committee on the bill for enumerating the inhabitants of the United States, Mr. Dent in the chair.

One schedule of the bill reported, orders a designation of the occupation of the inhabitants to be taken, which Mr. Griswold moved to strike out.

Mr. Harper hoped it would not, as it was a piece of information which might prove extremely useful, particularly in the estimation of any tax that might be proposed to be laid: indeed it would be absolutely necessary in the assertion of the amount of the revenue laws; it was the ground work—the basis of political calculation, on which laws must be founded. Besides, it would give the house information of the progress of manufactures and arts, and the government might, by its fostering care, give the helping hand to the impotent manufactories, &c. The trouble could not be much in making this enquiry: but its advantage may be very great.

Mr. Dayton (the speaker) hoped the schedule would be struck out, as he could

not conceive any necessity there could be in it: it would cause much unnecessary trouble, and indeed be very uncertain.—In New Jersey, he said, there were people who some part of the year made it a rule to carry on one branch, and at other times another, and some two others; it would be difficult for them to say what branch they followed. It was not merely unnecessary, but would prove injurious. This particularity, he said, was very injurious in the law for the enumeration of slaves, and no doubt, would prove so in this law.

On the question to strike out. Ayes 59. Noes 32.

Some trifling amendments were made, and the committee rose and reported the bill.

The house then took it up, and Mr. Harper renewed his former argument, urging the necessity of the clause. It was carried in the house in favour of striking out. Ayes 38. Noes 34.

The bill was ordered to be engrossed for a third reading to-morrow. Adjourned.

Thursday, December 27.

Mr. Otis said, the committee to whom was referred the bill for amending the stamp act, with respect to the duty payable on foreign bills of exchange and bills of lading, had received information from the commissioners of the revenue stating, that it would be necessary to provide some compensation for the supervisors, who had the management of the stamp business, as the present law provides none. The committee had suggested the propriety of making some other attentions in the bill; he moved that the committee of the whole be discharged from the further consideration of this bill, with a view of having it re-committed to the select committee who reported it.

The motion was carried, and the bill re-committed. Mr. Otis afterwards made a report of the proposed amendments, but owing to some informality, the report was not received.

Mr. Griswold called up for consideration the resolution, which he yesterday laid upon the table, for the appointment of a committee to consider the propriety of amending the act for the punishment of certain crimes against the United States, so as to provide a penalty for any citizen who shall usurp the executive authority of this government, by commencing or carrying on any correspondence with the government of any foreign prince or state, relative to any controversies or disputes, which do, or shall exist between such prince or state, and the U. States.

The resolution having been read, Mr. Nicholas said, he believed this to be a new subject of general legislation, and as such, he did not apprehend there was any necessity for making the proposed enquiry; and if it had any particular object in view, the motion appeared to him premature. If it was founded upon what had been seen in the public papers, relative to the conduct of a certain gentleman who has lately been in France, he thought the mover ought to have waited until the president of the United States had put the house in possession of facts on this subject; which, though promised 3 weeks ago, had not yet been received.—Indeed he did not know but the conduct of this house, in giving an opinion upon these dispatches before they are received, had prevented the communication: and if the house should proceed to legislate upon them, the president may suppose they have no desire to see what he has promised to lay before them, and withhold them altogether. If any particular object has given occasion to this new kind of legislation, the house ought to know it. He had hoped that no change had taken place in the affairs of this country with respect to foreign nations, which could have directed the sentiments of gentlemen to any particular person. He had hoped things was mending, and he had gathered these hopes from the address of the presi-

dent at the opening of the session, as in that address, he seemed to wish to argue down the too sanguine hopes of a speedy reconciliation, which might arise from the communication which he had to make on the subject. This was not the only impression which this address had made upon his mind, but it was, as far as he had learned, the general impression. Indeed, he found a different tone, even amongst those gentlemen who had been the loudest in their cry for war, from what excited when he last parted with them. Nothing was then heard but a declaration of war—now he heard nothing of the kind. Thinking, therefore, as he did, that the subject is of too novel a kind for general legislation, without some good reason being assigned for it; and that the house does not possess sufficient information, if the measure be leveled at a particular object, he was opposed to the motion.

Mr. Griswold said, the gentleman from Virginia had mistaken the object of this resolution, in supposing it had reference to any particular person.—Its object, said Mr. G. is general, and I think of the first importance. I think it necessary to guard by law, against the interference of individuals in the negotiation of our executive with the governments of foreign countries.—The present situation of Europe, in his opinion, calls aloud for a regulation of this kind. He did not know but an interference of this kind might have already taken place—but the object of the motion was prospective, and had nothing to do with what is past. If said Mr. G. offences of this kind, are to pass unpunished, it may be in the power of an individual to frustrate all the designs of the executive. The agent of the faction, if such a faction shall exist, may be sent to a foreign country to negotiate in behalf of the faction, in opposition to the executive authority; and will any one say, that such an offence ought not severely to be punished? It certainly ought. Placing the subject in this point of view, he thought it the duty of the legislature to enquire into it. He was not certain, that adequate provision could be made for the punishment of offences of this kind, but he wished the matter to go to a committee for consideration. He hoped no occasion would ever arise for bringing into operation a law of this kind; but if it should, it would be well to be prepared to meet it. He could not see why this should be considered as a subject of irritation, as no gentleman would pretend to say, that an unauthorized individual ought to exercise a power, which should influence the measures of a foreign government with respect to this country.—This power has been delegated by the constitution to the president; and, said Mr. G. the people of this country might as well meet and legislate for us, or erect themselves into a judicial tribunal, in place of the established judiciary, as that any individual, or set of persons, should take upon him or themselves this power, vested in the executive. Gentlemen may say, that all this is right, but in his opinion, such practices would be destructive of the principles of our government. He hoped therefore the resolution would be agreed to.

Mr. Nicholas had no idea that the gentleman from Connecticut, could mean to make it retrospective, but thought the house ought to possess more information on the subject, before they