

statute book all the provisions relating to the subject. What would be the operation of such a step as to the other nation? At a time when there is no doubt that her decrees will be revoked, and that at present they cease to have their operation, you revoke the law on the faith of which the revocation is made! The proposed measure will preserve our present attitude; and as it is freed from the provisions (objectionable to some) for enforcing more rigidly the non-intercourse, and is yet such a course, as will comport with the honor and dignity of the nation; I hope there will be no objection to it. Having been always myself in favor of the principle of the bill, I am prepared to vote for it and for additional sections. I consider it important that the decision should be at once made, as vessels are daily arriving. The collectors are at present liable to suits to an immense sum; and it is proper that the responsibility should in such a case rest on the principal rather than the agents. I therefore hope the bill will be passed to a third reading this day.

Mr. Lyon said he was one of those who thought that the national faith had not been constitutionally pledged; that they were never authorized, as a component part of the Legislature, to give such a power to another branch of the Legislature, to the Executive. What had been received from France to make this law a contract? A declaration that her decrees were revoked, and should not operate after the first of November. Was this true? He presumed it was not. The account from Europe as mounted to this; that our vessels are to remain sequestered till the 2d February, and then to receive their final doom. Are we, said he, to be charged with a breach of good faith for the refusal on their part to fulfil their declaration or promise? What could be expected to be the ultimate fate of these vessels? That they would be sold and the proceeds deposited in the Imperial Treasury, &c. &c.

Mr. Bibb said it was certainly far from his intention to throw any embarrassment in the way of the committee of Foreign Relations, but he was unwilling to act on this matter without due deliberation, and therefore moved that the bill and amendments should lie on the table. The subject was not so urgent that one day would be a matter of any great consequence.

Mr. Eppes said he had no objection to the motion.

Mr. Goldsborough made a motion to refer it to a committee of the whole House.

Mr. Mumford stated that it was his intention, when the bill should come under consideration, to move the following amendment to it:

Provided, That nothing herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared out for the Cape of Good Hope, or for any port beyond the same, prior to the 10th of November, one thousand eight hundred and ten.

He said he had inserted the 10th of November to allow time for the arrival of the proclamation at the different ports.

The motion for the bill to lie on the table was negatived, 53 to 42.

It was referred to a committee of the whole 52 to 51, and made the order of the day for to-morrow.

EXERCISE OF THE VETO. The following message was received from the President of the United States.

To the House of Representatives of United States. Having examined and considered the bill, entitled "An act incorporating the protestant episcopal church in the town of Alexandria, in the district of Columbia," I now return the bill to the House of Representatives, in which it originated, with the following objections:

Because the bill exceeds the rightful authority, to which governments are limited by the essential distinction between civil and religious functions, and violates, in particular, the article of the constitution of the United States which declares, that "Congress shall make no law respecting a religious establishment." The bill enacts into, and establishes by law, sundry rules and proceedings relative purely to the organization and polity of the church incorporated, and comprehending even the election and removal of the minister of the same; so that no change could be made therein by the particular society, or by the general church of which it is a member, and whose authority it recognizes. This particular church therefore, would so far be a religious establishment by law; a legal force and sanction being given to certain articles in its constitution and administration. Nor can it be considered that the articles thus established are to be taken as the descriptive criteria, only, of the corporate identity of the society; inasmuch as this identity must depend on other characteristics; as the regulations established are generally unessential and alterable, according to the principles and canons by which churches of that denomination govern themselves; and as the injunctions and prohibitions, contained in the regulations, would be enforced by the penal consequences applicable to a violation of them according to the local law.

Because the bill vests in the said incorporated church an authority to provide for the support of the poor, and the education of poor children of the same; an authority, which, being altogether superfluous if the provision is to be the result of pious charity, would be a precedent for giving to religious societies, as such, a legal agency in carrying into effect a public and civil duty.

JAMES MADISON.

February 21, 1811. Mr. Basset suggested the reference of the message to a select committee.

The Speaker conceived that the article on the constitution on this subject required that the House should proceed to a reconsideration of the bill.

On motion of Mr. Picken, the House proceeded to reconsider the bill.

The message was again read, as also was the following clause of the constitution: "Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law."

Mr. Randolph asked whether a motion for indefinite postponement would, in the opinion of the Speaker, lie in this case?

The Speaker believed not. The following article of the constitution was then read by request:

"Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Mr. Basset said, though the constitution had prescribed a reconsideration of the bill when returned, the mode of reconsideration was not prescribed; and it might as well be by reference to a select committee as in any other mode. The bill might perhaps be amended. Of their power to amend it in its present stage, however, he was not certain.

Mr. Smith conceived the constitution pre-emptorily to require an immediate decision.

Mr. Picken said, that this question was new to him. He had no idea that the constitution precluded Congress from passing laws to incorporate religious societies for the purpose of enabling them to hold property, &c. He had always held the constitution intend to prevent the establishment of a national church, such as the church of England, a refusal to subscribe to the tenets of which was to exclude a citizen from office, &c. Desiring time for reflection, he therefore wished the bill to lie on the table for further consideration.

Mr. Pickman said, it appeared to him that the bill was not an important one, a refusal to pass which would be productive of any serious injury; and yet that a full discussion of the principles it involved would occupy the whole of the remainder of the session. If two-thirds of the House were to refuse to proceed to a reconsideration, the bill would be *ipso facto* at an end—and this he thought would be the best course, &c. considering all the circumstances: Adjourned.

[The bill was taken up the next day & rejected.] February 22.—The bill supplementary to the non-intercourse law was taken up in committee, discussed, but no question taken.

February 23. FOREIGN RELATIONS.

The house resumed, as in committee of the whole, the consideration of the bill supplementary to the act concerning commercial intercourse, &c.

Mr. Aheac moved to strike out the 1st section of the amendment proposed by Mr. Eppes, authorizing the President to issue his proclamation suspending the non-intercourse whenever Great Britain shall revoke her orders, &c. He said the principle would extend to a hundred years as well as to a single day after the 2d February.

The motion was lost Ayes 9.

The bill went through the committee before the House adjourned.

February 25

The bill supplementary to the act concerning commercial intercourse, was taken up in the House and discussed till the usual hour of adjournment.

Monday, Feb. 25.—Mr. Findley presented a memorial from the stockholders of the bank of the United States, requesting the passage of a law to enable them to wind up their affairs.—Referred to a select committee.

The remainder of this day was spent in discussing the non-intercourse bill.

Tuesday, Feb. 26.—Mr. Bacon, from the committee appointed to enquire into the conduct of Brigadier General Wilkinson, reported an immense mass of documents collected on the subject, without any opinion expressed thereon by the committee.

A motion was made by Mr. Bacon that the report and documents be transmitted to the President of the United States.

This motion was opposed, because that it was sending to the President a mass of paper of the contents of which they knew nothing; and that it would be shifting the burden from the shoulders of the House, who had voluntarily taken it up, on those of the President of the United States.

This reference was supported on the ground of a similar proceeding in relation to papers heretofore submitted to the House in respect to that subject, and of the abstract propriety of referring to the Executive, who alone had power to remove General Wilkinson, and who had been supposed to be precluded by the interposition of the House from acting, those documents which should go to establish the guilt or innocence of the accused.

Mr. Eppes moved to refer the papers to a committee of the whole. Having commenced this enquiry, for which he himself had voted, he was of opinion that the House should prosecute it to some result, and not shift the responsibility from themselves on others.

Mr. Randolph seconded Mr. Eppes' motion.

After debate—

Mr. Eppes' motion was negatived, Yeas 45, Nays 51.

Mr. Bibb moved to amend the motion so as to include the report of the committee of the last session on this subject.

This motion was opposed because the testimony taken last session was ex parte, General Wilkinson not having been heard in his defence; and supported on the ground of the allusion made to that report in the report of the present session.

The amendment was agreed to—Yeas 88, Nays 32.

The question on the motion as amended, viz. to transmit the reports of the last and present session to the President of the United States, was taken and decided—Yeas 76, Nays 42.

The non-intercourse bill was taken up. The House adjourned, after a most desultory and fatiguing session of eighteen hours, the last four of which a quorum was not present, nor could other members be induced to attend.

February 27.

The House resumed the unfinished business.

The question was taken without debate on the first section of the amendment proposed by Mr. Eppes, viz. that which goes to authorize the President, whenever Great Britain shall have so revoked or modified, &c. to declare the fact, upon which the non-intercourse shall cease, &c.—and carried, Yeas 65, Nays 36.

The question then returned on the second section proposed as an amendment, by Mr. Eppes, viz. declaring that, until the proclamation of the President declaring the revocation, the non-intercourse shall be in force in relation to Great Britain.

On this question the debate recommenced.

Mr. Gold opened the debate. He contended, with most of the gentlemen in opposition to the bill, that France had not performed the acts necessary to authorize the passage of this law; that we were therefore not pledged to France; that the non-intercourse system is destructive to morals and revenue, and, being so, should not be again introduced, unless an insuperable necessity existed for such a course. No such necessity existing, such a course, he contended, would be not only injurious but useless.

Mr. Gibson next spoke on the opposite side of the question. He repelled the assertions and argument of those who had endeavoured, to persuade the House to consent to a breach of the pledged faith of the nation, under an alleged non-performance of her share of the engagement on the part of France. He examined the subject analytically, and quoted the letters of the Duke of Massa and Gates as evidence of a revocation, of such a nature as would not have been questioned, had they proceeded from another quarter. If the law of May last was to be carried into effect, this section ought to be passed to remove all doubt or uncertainty as to its operation, &c. &c. Mr. Gibson spoke two hours.

Mr. Pearson followed, in opposition to the bill. The law of May last, he argued, required an unconditional and unequivocal performance of a certain act; of the performance of which the letter of the Duke of Massa and Gates only evinced we had, and that only contained a promise

five or conditional promise to repeal. To prove that the alleged repeal of the French decrees, amounting to have taken place, which he did not believe, was merely illusory, a matter of form but not substance, he referred, as several gentlemen had done before him, to the letter of the Secretary of State to Gen. Terrien, expressing the Secretary's conviction to that effect. Mr. P. reviewed the documents laid before Congress, deducing from them inferences in support of the opinions he expressed. He incidentally touched on most of the points which had been discussed by other gentlemen who had gone before him, and declared his determined opposition to this section, and the bill.

Mr. Pearson spoke nearly three hours. When he concluded, The House adjourned to six o'clock this evening.

EVENING SITTING.

At 6 o'clock the House was called to order. The House resumed the unfinished business.

A motion was made by Mr. Randolph to postpone the subject to Friday next, and lost 68 to 36.

A motion was made by Mr. Randolph to postpone it till to-morrow.

On this motion a debate, which from its nature caused irritation, took place in which Messrs. Randolph and Eppes were the principal speakers.

Much warmth was excited and frequent calls to order made.

[We have understood that challenges passed the next day between Mr. Randolph and Mr. Eppes, and it is supposed a duel has taken place before this.—Star Ed.]

The question on postponement to to-morrow was decided by Yeas and Nays, For postponement 44 Against it 74.

At 8 o'clock the debate progressed.

Mr. Picken took the floor.

Mr. B. concluded a speech by moving an amendment. Several other motions were made for amendment, but no one with success.

The House was still sitting, and a quorum yet present when this paper went to press.—Nat. Int.

The following are the Yeas and Nays on the question of the renewal of the Charter of the Bank of the United States: Indefinite postponement was the question.

Yeas—Messrs. Anderson, Campbell, Clay, Cutts, Franklin, Gaillard, German, Giles, Gregg, Lambert, Leib, Matheyson, Reed, Robinson, Smith, (Md.) White-side, Worthington—17.

Nays—Messrs. Bayard Bradley, Brent, Champlin, Condit, Crawford, Dena, Gilman, Goodrich, Horsey, Lovel, Pickering, Pope, Smith, (New York) Tait Taylor, Turner—47.

The following are the reasons assigned by the Vice-President of the United States for his casting vote on the question of striking out the first section of the bill for renewing the charter of the Bank of the United States:

GENTLEMEN—As the subject, on which I am called upon to decide, has excited great sensibility, I must solicit the indulgence of the Senate whilst I briefly state the reasons which influence my judgment.

Permit me to observe, that the question to be decided does not depend simply upon the right of Congress to establish under any modification a bank, but upon their power to establish a National Bank as contemplated by this bill. In other words, can they create a body politic and corporate, not constituting a part of the government, nor otherwise responsible to it but by forfeiture of charter, and bestow on its members privileges, immunities and exemptions not recognised by the laws of the states nor enjoyed by the citizens generally? It cannot be doubted but that Congress may pass all necessary and proper laws for carrying into execution the powers specially granted to the government, or to any department or office thereof; but, in doing so, the means must be suited and subordinate to the end. The power to create corporations is not expressly granted; it is a high attribute of sovereignty and in its nature nor accessory or derivative by implication, but primary and independent.

I cannot believe that this interpretation of the constitution will, in any degree, defeat the purposes for which it was formed: on the contrary it does appear to me that the opposite exposition has an inevitable tendency to consolidation and affords just and serious cause of alarm.

In the course of a long life I have found that government is not to be strengthened by an assumption of doubtful powers, but by a wise and energetic execution of those which are incontestable; the former never fails to produce suspicion and distrust, whilst the latter inspires respect and confidence.

If, however, after a fair experiment, the powers vested in the government shall be found incompetent to the attainment of the objects for which it was instituted, the constitution happily furnishes the means for remedying the evil by amendment, and I have no doubt that in such event on an appeal to the patriotism and good sense of the community it will be wisely applied.

I will not trespass upon the patience of the Senate any longer than to say, from the best examination I have been able to give the subject, I am constrained by a sense of duty to decide in the affirmative—that is, that the first section of the bill be stricken out.

The Star.

RALEIGH,

THURSDAY, MARCH 1, 1811.

His Excellency Governor Smith arrived in this City on Saturday last from Belvidier. The Wake Troop of Cavalry commanded by Capt. Willie Jones, escorted him to town; his entry was announced by a salute from the cannon—on arriving at the Governor's house a salute was fired by the troop which was repeated by the cannon. His Excellency partook of a Dinner provided for the occasion at the Indian Queen Tavern, at which the troop and many gentlemen of the town were present.

In order to prevent unavailing applications, it may be proper to state that we have authority for believing the prospect of success in obtaining a pardon from the Governor will depend very much on a favourable statement from the Judge or Justices before whom the trial was had, or a recommendation for mercy from the Jury who brought in the verdict strengthened by another from very numerous and respectable inhabitants of the County in which the condemned Criminal resided or was found guilty.

We are also authorized to state that till after the Superior Courts of Brunswick and New Hanover, and the County Court of Brunswick, which will end on the first day of May, there is a necessity for the Governor's remaining at or in the neighbourhood of Belvidier, but his return to this place may be expected with certainty on the 10th May.

Messrs. M'Bryde and Folan of this state, and Mr. Chesnut of South-Carolina, passed through this City yesterday on their way from Governor

Extract of a letter from a member of Congress to the Editors, dated Washington City, Feb. 27.—We met yesterday at 10 o'clock in the morning and did not adjourn till 4 o'clock this morning; we met again at 10 o'clock to-day, it is now almost 9 o'clock and I do not expect to leave the Hall before 3 or 4 in the morning. The subject is the bill to enforce the non-intercourse law—IT WILL PASS. Some very unpleasant warmth has just taken place. We are in a dreadful state of confusion and bitterness, I am so much fatigued and exhausted that I can say no more.

Extract of a letter from a Member of Congress to the Editors, dated Washington City, February 27, 1811.—Messrs. Editors—You republished in your paper an extract of a letter from a Norfolk paper, which stated that it was proved that Mr. Alston neither kicked or struck Mr. Randolph.—The fact is not so. It was proved that Mr. Alston kicked him and took his stick from him, and was in the act of cudgelling him, when he was prevented by the interference of a number of gentlemen. Mr. Alston then distinctly and audibly called him a scoundrel, paltrone and coward—Mr. Randolph went off.

We have been very politely favoured with the following Bill by a gentleman immediately from Washington City—it passed its third and last reading in the House of Representatives between 4 and 5 o'clock in the morning of the 28th ult. It has yet to pass the Senate.

A Bill supplementary to the act entitled "an act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That no vessel owned wholly by a citizen or citizens of the United States, which shall have departed from a British port prior to the second day of February one thousand eight hundred and eleven, and no merchandise owned wholly by a citizen or citizens of the United States, imported in such vessel, shall be liable to seizure or forfeiture on account of any infraction or presumed infraction of the provisions of the act to which this act is a supplement.

Sec. 2. And be it further enacted, That in case Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the President of the United States shall declare the fact by proclamation; and such proclamation shall be admitted as evidence, and no other evidence shall be admitted of such revocation or modification in any suit or prosecution which may be instituted under the fourth section of the act to which this is a supplement. And the restrictions imposed or which may be imposed by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued.

Sec. 3. And be it further enacted, That until the proclamation aforesaid shall have been issued, the several provisions of the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 18th sections of the act, entitled "An act to interdict the commercial intercourse between the U. States and G. Britain & France and their dependencies, and for other purposes," shall have full force and be immediately carried into effect against Great Britain, her colonies and dependencies: Provided however, That any vessel or merchandise which may in pursuance thereof be seized, prior to the fact being ascertained, whether Great Britain shall on or before the 2d day of February, 1811, have revoked or modified her edicts in the manner above mentioned, shall nevertheless be restored on application of the parties on their giving bond with approved sureties to the U. States, in a sum equal to the value thereof to abide the decision of the proper court of the U. States thereon; and any such bond shall be considered as satisfied if G. Britain shall on or before the 2d day of Feb. 1811, have revoked or modified her edicts in the manner above mentioned.

Provided also, That nothing herein contained shall be construed to effect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared out for the Cape of Good Hope, or for any port beyond the same, prior to the tenth day of November, one thousand eight hundred and ten.

Joel Barlow, Esq. has been appointed by the President of the United States, by and with the advice and consent of the Senate, Minister Plenipotentiary and Envoy Extraordinary to France, vice General Armstrong, resigned.

John Quincy Adams, Esq. our present minister in Russia has been appointed by the President of the United States, with the consent of the senate, a Judge of the Supreme court of the United States, to supply the vacancy occasioned by the death of Judge Cushing.

IMPORTANT.—From a source the most respectable we are informed, that Mr. Mosier, British Charge des Affaires, has made known to our government, that the official information (made public) from Mr. Russell, that the French Decrees are not revoked, will be fully credited by the British government—and that they will be compelled to consider a continuance of Non-Intercourse against them exclusively, as a measure of hostility, demanding immediate steps to meet it.—Baltimore Federal Gazette.

FOREIGN NEWS.—The following articles are extracted from papers received by a late arrival at Norfolk.

In Catalonia, the Marquis Campoverde the Spanish commander, had been attacked by the French army under M'Donald; the French were routed and pursued into the mountains. There had been several minor affairs, between detachments of the two armies, in which the Patriots had succeeded in repelling their invaders.

The Spanish army on the frontiers of Murcia and Andalusia, were attacked in its positions on the 3d of November, and after a very obstinate conflict, succeeded in maintaining them. On the 7th the French fearing an attack, retreated with precipitation.

In Estramadura, the Spanish General Basteros, continued in the vicinity of Lerverna, and in some partial actions with the French had gained advantages.

The department of Oceana in New Castile, had been entirely evacuated by French. In that province while occupied by the French, and others, which they occupied, they were constantly harassed, and their foraging parties and convoys cut off.

MARRIED,

In Franklin County on the 24th ult. Dr. Thomas Horsea, of Northampton, to Miss Glatha Cook, Daughter of Capt. Cook of Franklin.—In Northampton County on the 26th ult. William B. Lockhart, Esq. to Miss Sarah Gee, both of Northampton.—In Loudoun, Mr. John Davis to Miss Elizabeth Beasley.

Female Education, WARRENTON.

THE pupils now at this seminary, together with those for whom application has been made, complete the prescribed number, the public are, therefore, respectfully notified, that no more will be received before the 1st of July. JACOB MORDECAI.