

dental to this general power which are in any degree connected with it, and as incidental to this they have claimed participations in the treaty making power; they now claim a control for our diplomatic establishment, and may with equal propriety take into their hands the entire superintendance of our foreign intercourse and connections. So of their claims under the right of appropriation what the war right leaves the appropriating right takes, and thus the house of representatives strips the other departments of the government. The gentleman in remarking upon what he calls a request, and he might of said in many instances as an apt quotation from a favourite author, viz.—the tendency of certain measures to stop the wheels of Government, observes that the denial of the right which is claimed in the present instance to the house of representatives is stopping one of the wheels of government. If it is a wheel, it is a fifth wheel which does not belong to the political carriage, and which he is attempting to clog it with contrary to the original design of the builder, and I will say against my consent, for I declare I am not so much attached to the fashionable novelties of the day, or to new fangled inventions as to receive this upon the bare recommendation of the projectors. I believe it may do harm and can do no good—it may impede the motion and progress of the vehicle to which it may be attached and may eventually upset and destroy it.

This gentleman has also followed the example of all those who contend that power can be trusted no where but in the house of representatives, and has argued against the executive's exercise of it from the possible abuse of it. He has contended that it would be dangerous to give the power to the executive to create officers, because he might abuse it with a view to the service of his friends, and he has quoted most of our state governments to show the extreme jealousy and caution with which they have delegated the power of appointment to office, he has also urged the opinions of men of talents in the convention of this state which accepted the present constitution, to support the plentitude of power in this house under the right of rejecting money bills.—In this instance also the gentleman has followed the common error of all those who have attempted changes in the constitution in any other than the constitutional mode. They undertake to make a constitution and not to execute one—they enquire where power ought to be lodged, when they should be examining where it is deposited—we are not now in Convention to pass upon this government: we are not discussing the question where the power of creating and appointing to offices would be best and most safely entrusted—but we are simply to determine where it is to be found—I believe it is wisely placed where I contend I see it.

It has been insinuated in the course of the debate, that the executive had expressed an opinion that the right of creating the offices of foreign ministers, &c. was in the legislature. I see nothing to justify this conclusion—the practice of the executive from the commencement of the government to the present day, has been expressly against a concession of this right: and the practice of the legislature has been equally opposed to the claim. Can gentlemen show an instance where the legislature have created an office of this kind? Has not the uniform practice of the executive been, to appoint to office, and then call upon the house not for a creation of the office, but for an appropriation for the office. In the late mission to Paris, did the executive consult this house before he made the appointment, to know whether we would have one or three commissioners? And was his right to determine that question disputed, when we were called upon to appropriate for three commissioners? Is it proposed to question this right which the President has thought himself authorized to exercise during the present session, in the appointment of three commissioners to treat with the Cherokee Indians? The appointment has been made without consulting us; and I have not supposed it would be disputed, or the appropriation.

But as some extracts from the speeches of members formerly of this house were read to the committee, by the mover of the amendment, with a view to show, as I understand, that the ground now contended for by the opponents to the present amendment, was not taken early in the government. And as the gentleman from Virginia (Mr. Brent) has expressed great uneasiness and alarm to find from the reading of these extracts, that the opinions now expressed by some gentlemen, are but of a late date, that they have changed with a change of views, and that there should be such a want of consistency in their conduct. I shall beg leave in conclusion to read to this committee a few extracts from the congressional register of the debates and proceedings in the first congress, as a complete refutation of those insinuations. As I was not in the house when the extracts were offered by the mover of the amendment, and they were not printed with his observations: I have not had an opportunity of examining them. Those, however, which I shall offer, are directly to the point; and prove incontestably, that the present question was settled early in the government, in the first case in which it arose; and that if there is any inconsistency of conduct in gentlemen, upon the present subject, it rather attaches to those who have since contended for the right now claimed. Mr. Craik then read the extract of the proceedings and debate on a bill brought into

the house of representatives, forming provision for the defraying of expences attending Indian treaties, which bill contained a clause directing that commissioners, not exceeding three, should be appointed, and allowed compensation, &c. When the bill came under the consideration of the house, a member, Mr. Sedgwick, made a motion to strike out that part of the clause, restraining the number of commissioners to three, on the ground that it was an unconstitutional interference on the part of the house, with the executive authority; that the right of saying how many commissioners there should be appointed, belonged to the executive alone; and that this house have nothing to do with it. The question for striking out the clause after debate, was carried. Mr. Craik observed, that the mover of that amendment, for striking out the clause, was well known to have always maintained a steady and uniform opinion upon this subject; and Mr. Craik observed he was authorized to say, that a member then from Virginia (Mr. Madison) wrote opinions the supporters of the present amendment, generally respected, seconded the motion of Mr. Sedgwick, which was then the subject of discussion. Mr. Craik took notice of a part of the debate where Mr. Smith, then a member of the house, when speaking upon the question, asked the house, "what was to be done, supposing the United States were at war with a nation from whom overtures of peace were received—Suppose it was absolutely necessary during the next recess of congress, to send a minister or an envoy to the Dey of Algiers; would it be proper to delay so necessary a business, until this house could be convened."

Mr. C. observed, the extract of the law, and debate thereon which he had used, required no comments, but he would propose the same question now, which was then put for the consideration of the committee. Mr. C. concluded with an expression of his decided and unequivocal opposition to the amendment under discussion; observed his strength was exhausted, but not the subject.

PHILADELPHIA, March 5.

IMPORTANT.

The following important message was read in the House of Representatives this day.

Gentlemen of the Senate; and

Gentlemen of the House of Representatives,

The first dispatches from our envoys extraordinary, since their arrival at Paris, were received at the secretary of state's office, at a late hour the last evening. They are all in a character, which will require some days to be deciphered, except the last, which is dated the 8th of January, 1798. The contents of this letter are of so much importance to be immediately made known to congress, and to the public, especially to the mercantile part of our fellow citizens, that I have thought it my duty to communicate them to both houses with out loss of time.

JOHN ADAMS.

United States, March 5, 1798.

Paris January 8, 1798.

DEAR SIR,

We embrace an unexpected opportunity to send you the "Redacteur," of the fifth inst. containing the message of the directory to the council of five hundred, urging the necessity of a law to declare as good prize all neutral ships having on board merchandizes and commodities, the production of England, or of the English possessions, that the flag as they term it, may no longer cover the property. And declaring further that the ports of France, except in cases of distress, shall be shut against all neutral ships, which, in the course of their voyage, shall have touched at an English port. A commission has been appointed to report on the message, and it is expected that a decree will be passed in conformity to it.

Nothing new has occurred since our last, in date of the twenty-fourth ultimo. We can only repeat that there exists no hope of our being officially received by the government, or that the objects of our mission will be in any way accomplished.

We have the honour to be, with great respect,

Your most obedient servants,

CHARLES COTESWORTH PINCKNEY,

J. MARSHALL,

E. GERRY.

Timothy Pickering, Esq.

TRANSLATION.

Message of the executive directory to the council of five hundred, of the 15th Nivose, 6th year (4th January, 1798.)

Citizens Representatives,

To day, the 15th Nivose, and at the very hour at which the executive directory addresses this message to you, the municipal administrators, the justices of the peace, the commissaries of the directory, and the supervisors of the customs, are proceeding, in all the chief places of the departments, and in all the principal communes of the republic, to seize the English merchandize now in France, or introduced upon its territory in contravention of the law of the 10th Brumaire, 5th year (Oct. 31, 1796.)

Such is the first act by which, when peace is given to the continent, the war declared a long time since against England is about to assume its genuine character. The French will not suffer a power, which

strives to found its prosperity upon the misfortune of other nations, to raise its commerce upon the ruin of that of other people, and which aspiring to the dominion of the seas, wishes to introduce, every where, articles of its own manufacture and to receive nothing from foreign industry—any longer to enjoy the fruit of its culpable speculations.

The English government has kept in pay, during the war, the coalesced forces, with the produce of her manufactories. It has violated all the principles of the law of nations, in order to shackle the relations of neutral powers; it has caused to be seized the provisions, grain and commodities, which is supposed to be detained for France—it has declared contraband every thing which it thought useful to the republic; it desired to starve it. All the citizens demand vengeance upon it.

When it has to fear capture of vessels sailing under its flag, it corrupted foreign captains to induce them to take on board their vessels English merchandize, and thus to introduce it, by cunning, by fraud or otherwise into foreign states and especially into the French republic.

The neutral powers should have perceived, that, by this conduct their merchants took a part in the war, and they lent assistance to one half of the belligerent powers.

We serve a party as well when we procure for him the means of augmenting his forces, as when we unite ourselves to those which he has. The neutral powers should have perceived, that England, by stopping the vessels of other powers, laden in their respective ports and destined for France, by permitting articles coming from her own manufactures alone circulate, aimed at an extensive commerce, and that it would be necessary to seek reparation for such an attempt.

The ordinance of the marine and the regulation of 1794, having declared to be good prize, the vessels and their cargoes in which is found English merchandize belonging to enemies. These provisions should be extended. The interest of Europe demands it.

The directory thinks it urgent and necessary to pass a law declaring that the condition of vessels in what concerns their quality of neutral or enemy, shall be determined by their cargo, and that the cargo shall be no longer covered by the flag; in consequence, that every vessel found at sea, having on board English merchandize and commodities, as her cargo, in whole or in part, shall be declared to be good prize, whosoever may be the proprietor of these commodities of merchandize; which shall be reputed contraband, for this cause alone, that they come from England or her possessions.

It would be useful to declare at the same time, that except in case of distress, the ports of the republic shall be shut to all foreign vessels, which, in the course of the voyage shall have entered those of England.

The executive directory requests you citizens representatives, to adopt these measures. No neutral or allied power can mistake their object, nor complain of them unless it be already delivered up to England. The infallible effect of the measure is to enhance the value of the product of their soil, and of their industry, to increase the prosperity of their commerce, to repel every thing that comes from England, and essentially to influence the conclusion of the war.

Such are the motives which induce the executive directory to invite you citizens representatives, to take the object of this message into the most prompt consideration.

(Signed)

P. BARRAS, president.

LA GARDE, sec. gen.

CHARLESTON, March 13.

Yesterday arrived the brig Aurora, Capt. Woodman, from Bourdeaux—The Aurora left Bourdeaux the 22 of January, and the river the 23d, as it was expected another embargo would be laid on.

Accounts from Paris as late as January 18, had been received at Bourdeaux, which stated that the American commissioners had not been at that time admitted to an audience, nor were they noticed. It was said to be their intention to remain in Paris until they were received, or ordered to depart, in which case they would retire to Holland until the spring.

The talk of Invasion of England was still pursued, and vessels of all descriptions were placed in requisition for the purpose.

The report of the day in Bourdeaux, was, that England was declared in a state of blockade; that Buonaparte's brother, the French minister at Rome, had been assassinated, that General Berthier had marched with his army into that city, and that the Pope had fled.

Captain Woodman informs that the councils have decreed the confiscation of all British manufactured goods in France, and that the Custom-House officers had proceeded to search, and had seized a great quantity of these goods. They have also declared all vessels good prize which may be captured, having on board English manufactured goods. This decree was founded on the message of the Directory.

Letters were received by the Aurora, from Gen. Pinckney, but we have not heard their dates nor contents.

P A R I S, January 8.

The English merchandizes, which have lately been confiscated, are valued at nearly three millions. Dur-