

H. Jewell

# THE MINERVA.

West

TWO & A HALF DOLLARS PER ANNUM

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## Congress.

### HOUSE OF REPRESENTATIVES.

TUESDAY, November 10.

Debate on the bill, making further appropriations for the support of the navy.

(CONTINUED.)

MR. DANA perceived it was not in the power of the chairman of the committee of Ways and Means to answer the enquiries which had been made, because he would not permit himself to indulge a thought that he possessed the desired information, and yet withhold it. He thought that the want of this information might lead to a mis-statement of facts; and though he did not pretend to be in the secrets of the cabinet, he was inclined to the opinion that a full-disclosure would be more satisfactory to the House, to the Executive, and to the people. If this were made, they would be denied the liberty of roving at will, conjecturing as they chose. But, said he, are we not called upon to grant money, and shall we not know for what purpose? Does the President call upon us for an appropriation, and shall we not have leave to enquire what expenses it is intended to cover? The very act they were about to pass was declaratory of their approbation of the conduct of the Executive; they were therefore entitled to information on the subject. As the representatives of the people, the peculiar guardians of the public treasury, they were entitled to it.

He believed that no blame should attach to the Secretary of the Navy or any other person on account of this expenditure; but in every case in which money had been expended without order, the least that could be expected was a fair disclosure of the circumstances attending the transaction. Could not the Executive and departments trust to the candor and liberality of the House? Did they refuse to confide in the House? Mr. D. was desirous of the fullest information, which he thought would redound more to the credit of the administration than this silence on the subject.

Waving the right to make these enquiries, he thought then two questions occurred for consideration. The first was the great broad question, whether or not it was proper for Congress to make appropriations to cover expenditures of public money not previously authorised by law. Prior to the year 1801, expenses were incurred without the express sanction of Congress; they were incurred with a view to the public service in case of emergency. It was then discretionary with Congress either to approve or disapprove this conduct; if they approved it they passed a bill making an appropriation to cover the expenditure. In 1801, from the highest authority, a doctrine the reverse of this was avowed; that it was a part of political prudence to discountenance and disallow all applications of money to purposes not authorised by law; so that if money destined for one object was applied to another, or money unappropriated was applied to any object without being previously authorised by law, this doctrine went to disallow it. In 1807, when public expectation was directed to the Executive, it had been thought proper to incur certain expenses for ensuring the public safety. A public officer, who, in a moment of public exigency undertakes to purchase supplies, may rely on public support. If the legislature condemns the procedure, the officer must bear the loss. Would you, said Mr. D. had you been assembled at this time, with a knowledge of all the existing circumstances—would you have authorised these expenses to be incurred? This was the fair question, and was presented to them under favorable circumstances for determination. In 1801, this doctrine had been contradicted, disavowed; it was with satisfaction he now observed that practice taking place under high authority which had before been denounced. He felt highly gratified with this change, and certainly would not reproach gentlemen for it; they had learnt wisdom by an experience of 6 years, which had taught them the error of their doctrines; the privilege of being wiser on this day than five years since ought not to be denied. He declared then, that as respected the general principle, he concurred decidedly with the Executive.

The second question was on the particular subject: should they advocate expenditures for these particular purposes, supposing that they had perfect information on the subject? As respected the subsistence for seamen, repairs for vessels, &c. they were previously authorised by law. The President was authorised to increase the number of seamen, but

the appropriation already made would not cover the additional expense. It was beyond all question, that as this power had been given to the President, Congress were pledged to cover the expenditure. The next article was, for pay and subsistence of the marine corps. There was a clear power vested in the President to increase this corps; and as Congress had authorised that increase, they were pledged to defray the additional expenses. Passing by ordnance and military stores, the last article was for timber for the Navy. He could have wished that this article had been something more explicit; he apprehended it was timber for gun-boats; if so, on that subject there seemed to be some question.—He found in the estimate of the Naval expenditures, timber for 73 gun-boats; he did not doubt but they might be useful; but they were not designated by name in the bill, and should they be found to be useless, the stigma might be cast on the Navy generally. As respects this timber, for gun-boats, he asked, had there been any authority given to the Executive of the U. S. to purchase such timber? At the last session of this body, there was before the House a bill authorising, (among other objects) the building a number of gun-boats, but which failed of success. A motion was made by himself to strike out the words "for building gun-boats," so as to authorise the provision of timber for general naval purposes.—Against this motion he found a long list of names, for it had no high authority to recommend it. They could have the whole number of gun-boats that were necessary, built in one month, even if it were a thousand. For himself, he was now clearly in favor of timber for gun-boats, not because he considered them an adequate defence for the U. S. but as they might be useful in some cases to a certain extent, as a subordinate part of a system of defence; this was their true character. Hence it was that the erection of gun-boats gave so much amusement to mischievous tongues and editors, when considered as forming in themselves a system of defence. He was clearly in favor of pursuing the same plan as that for which he had before voted; and the gentlemen who had condemned the measure proposed by himself last session, might vote for the same now, as it was backed by higher authority.

WEDNESDAY, November 11.

The question being on the final passage of the bill, and the yeas and nays on the passage being called for,

MR. J. MONTGOMERY said, that as the yeas and nays had been required he should exercise the right of assigning reasons for the vote he was about to give. This bill provided for extraordinary expenses incurred in the navy department since the 22d June last; these extraordinary expenses had resulted from the cowardly attack committed by the Leopard on the Chesapeake. This act, marked with such daring and atrocious circumstances, had excited the detestation of every American; one sentiment on this subject pervaded the Union. The President of the U. S. had adopted firm, energetic and dignified measures on the occasion; amongst others those which had occasioned the expenses for which this bill provides. He had heard no complaint that the conduct of the Executive was defective either in prudence or energy. He was authorised, and he exercised the authority vested in him by law, to call out the marine corps to its full complement. He had exercised the authority given to him by the act of 1806, in preparing the gun-boats for service: the sense of the nation and the exigency of the times called upon him to do so. Other expenses incident to calling out the marine corps and manning gun-boats, were comprised under the different articles of clothing, &c. These extraordinary expenses the President was authorised to incur; the state of the country justified him in exercising that authority, and Mr. M. was of opinion that the honor of the nation called upon the House to make the appropriation. Then, as to these extraordinary expenses which had been incurred, there could be no difficulty; their honor was at stake for the payment. There was another item which he presumed would meet with as little difficulty as any other: he was instructed to say, as a member of the committee of ways and means, that the provisions specified in the bill were used by the militia called out for the protection of the port most in danger. Was there any member in the House who would hesitate to make an appropriation of 31,000 dollars for that purpose?

At this important juncture, when our country was in danger, the Executive had examined the state of the several departments; in

the war department there were sufficient supplies of military stores; in the navy department there were none, except a few pounds of powder. At this alarming crisis, the country being threatened with war, the people looked up to the President for energetic conduct: he did not hesitate to make expenditures to supply these necessities for the department. Of the navy department there was more required than of the war department, because the outrage had been committed on the ocean.—What more prudent, more correct conduct than that of the President could be wished, or what more could the people expect, than that he should have made these necessary provisions of ordnance and military stores, and timber for gun-boats? The President had judged it expedient to make preparation; and the state of affairs had called for a warlike attitude; for, said Mr. M. we have learnt from our departed Washington, that to command peace we must be prepared for war; the President had acted upon this principle, which the House would no doubt approve. There was no law at that time, nor had any law yet been passed, to authorise the purchase of these articles; but the President of the United States, when his country was in danger, hesitated not to take upon himself the credit and proper responsibility. Upon these items, what was the language of the President of the U. S. contained in the message delivered to us? Strong and forcible, and clearly shewing the necessity for incurring these expenses: "The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores, with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law, would have lost occasions which might not be retrieved. I did not hesitate therefore to authorise engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us: and I trust that the Legislature feeling the same anxiety for the safety of our country so materially advanced by this precaution, will approve when done, what they would have seen so important to be done, if then assembled."

Mr. M. hoped his trust was well founded; that the legislature, feeling the same anxiety for the public safety so materially promoted by this precaution, would declare that this was what they would have done had they been in session. He asked, had the President of the United States passed over this great emergency, and failed to make these preparations, ought he not to have been censured for a neglect of duty? As these articles therefore had been purchased because the interest and safety of the country required them, and the expenses had been incurred for the public safety, the House could not hesitate to give their sanction to the appropriation.

It had been asked by a gentleman from Massachusetts, whether these articles were actually paid for; if paid for out of what monies had the payment been made. As a member of a committee of ways and means, he could declare that not one cent had been actually paid. The President had said, that he had authorised engagements for these articles: the government was pledged for them; and the House were as strongly called on by faith and honor to make an appropriation for them as they were bound to do in the case of the marine corps.

Mr. M. said it had been asked by another gentleman, perhaps from Connecticut, whether the timber mentioned was for general naval purposes, or for gun-boats only? At this important crisis, when hostilities were menaced, it had been thought prudent to lay up a stock of timber for building gun-boats and it was accordingly done; but in laying it up, it had been contracted for, and prepared in such a manner as to answer any naval purposes. If our differences should be amicably settled, and it was not required that gun-boats should be erected, the materials would still be on hand for the use of the navy.

It had been stated, he believed, by a gentleman from Virginia, that appropriations had been anticipated; that this was not the language held by the President of the U. S. or those the principles defended by him in his first communication made to Congress in 1801: Mr. M. said, he admired the principle laid down by the gentleman; appropriations should never be anticipated but in extreme cases. The principle was in general correct; but he would ask the gentleman from Virginia, who had taken this ground yesterday, if a case could not occur in which it might be departed from? He would ask any gentleman, need there exist a stronger case than the present to justify such a departure? He believed not.

They had been told by a gentleman from Connecticut, that in the manner in which they were now acting, in making appropriations, they were justifying the measure upon arguments resorted to by the former administration. God forbid, said he, that we should take any of the principles of the former administration for our rule of conduct. The present measure stood on firm ground; the exigencies of the times had justified the anticipation, and not the example of the former administration.

They had been told by a gentleman yesterday, that our navy had been disgraced by this outrage. True if the officer of the degraded vessel, instead of a verbal answer from the mouth of his trumpet, had sent a metal ore from the mouth of his cannon, the honor of the navy of the U. S. would have been preserved. That officer and his conduct were now under investigation; but from the the courage, character, and patriotism of the other officers of our navy, the country might be assured, that if occasion offered they would retrieve its reputation.

It had been said that the government had received two marked insults from foreign powers; he presumed one case alluded to was that of the Spanish minister; if he was wrong in this idea, he wished to be corrected. This minister began to shew his Spanish airs to our homespun government he was informed that a demand would be made for his recall, but should be thought that I am incorrect in this, said Mr. M. resort to the Department of State, where the facts may be obtained. What was the conduct of this minister? Did he dare to persist in his insolence? No; he merely solicited our government not to write on or represent his conduct to the Spanish government. Our government granted his solicitations, if they got rid of him, it was immaterial in what manner. After he had thus obtained his point, what was his conduct? He came within the city of Washington, contrary to the understanding which had taken place. Did the government then put up with his behavior? He received, on the contrary, an intimation that his company would be dispensed with. In the course of a few days he slunk off to Philadelphia. Under such circumstances, he presumed no American would feel the dignity of the nation injured in this case.

In the other case, it had been said we had received a blow; and a blow only? No; murder had been committed. The reeking blood of our fellow-citizens and the insulted dignity of the nation called for satisfactory retribution, or speedy retaliation. If retribution is refused, then the constitution did not vest the power in the President of the U. S. to resent the injury; it did vest it in the Congress of the U. S. If such a crisis should take place, they would meet it with energy and firmness, and use every exertion to efface the insult.

The present measure now under consideration, said Mr. M. is the first defensive measure presented for our determination. If we give this measure a quibbling, quering, or reluctant affirmative, the people will be disappointed in their hopes. I have no apprehension that we shall do so; I believe the contrary. I have no doubt but that the patriotic characters here called together on the exigency of the moment, and to whom is intrusted the honor of the nation, will realise all the wishes of the people.

Mr. M. concluded by saying, that, feeling conscious of the rectitude of his intentions, as far as his feeble abilities would permit, he had discharged his duty to his country, his constituents, and to himself.

(DEBATE TO BE CONTINUED.)

## State Legislature.

HOUSE OF COMMONS,

WEDNESDAY, November 18, 1807.

The following gentlemen were appointed on the part of this House on the standing Committees, viz:

**Finance.**—Messrs. Porter, Jones, Harden, Harris, James Yancey, Washington, Walters, J. H. Bryan, Toole, Wm. Williams, Grist, Boon, Glissen, Gillespie, Roland and Speed.

**Propositions & Grievances.**—Messrs. Abernathy, Love, Forsythe, Letherman, Norwood, Vanhook, Baker, Daniel, Bullard, Perkins, Ruffin, James Williams, E. Williams, W. W. Jones, Shaw and Goodwin.

**Claims.**—Messrs. Collins, Hulme, Horn, Davidson, Cameron, Atkinson, Moody, Johnson, Hudgins, Riddick, Jonas Williams, Hatch, McIntire, Leonard, Theams & Dowd.

**Privileges and Elections.**—Messrs. Tate,