

... The best course to produce this result is a free investigation of the points of difference as to its modification.

I would submit a few remarks as to the propriety of its retrospective operation. Our first duty is to provide for present distress. We are taught, by high authority, to believe, that sufficient unto the day is the evil thereof; and, in comparison with this great duty of providing for present necessity, to let the morrow provide for itself. But, if we can provide for present calamity and distress, and can provide also for the evils of to-morrow, we shall discharge a double duty, and we shall receive a double reward—the blessing and gratitude of the present generation, and the plaudits of “well done,” from millions yet unborn, besides the pleasure arising from the approbation of a good conscience. The right of applying this principle to existing contracts is not denied. It has been settled by the highest judicial tribunal of the country, viz. the supreme court of the United States. It has been decided, that to release the body of the debtor, in all cases, is a measure which affects the remedy alone. That it has no relation to or connexion with the essence of contracts; and consequently, cannot impair their obligation. Congress possesses not only the right to release the body, but the future acquisitions of the party from existing demands, by the exercise of a positive grant of power to adopt an uniform system of bankruptcy; but I do not propose by this bill, to lessen the property fund upon which contracts rest for their fulfilment. Policy and justice would declare this inexpedient, as a permanent system; for property and confidence in the integrity of the contracting parties, constitute the only proper and legal basis of pecuniary or personal obligation; and the man who would enter into executory contracts under the expectation that he would have to resort to the imprisonment of an honest debtor in case of failure, deserves to lose his debt. Although an unfortunate but honest debtor, after imprisonment, is legally bound to his creditor; yet it is my opinion that, in morality and in conscience, he is absolved from the obligation, where his personal independence has been violated, without the imputation of fraud or collusion.

But, it may be emphatically inquired, why this subject, to which so much importance has been given at this session, has been neglected by our predecessors? There is a time for all things, and the history of this Republic furnishes an answer for this apparent omission. The war of the Revolution presents the first crisis in which this nation has been involved. The object was no less than a contest for self government. We were engaged with a most powerful enemy, superior in numbers, in riches, in the means of conquest. We had also to encounter the dreadful consequences of a civil war. We fought and we conquered. At the close of the Revolution, we fondly expected tranquility and peace; but we were disappointed in that expectation. It was now discovered that our strength had been consolidated, and our Union preserved by a moral power, which never forsakes a community devoted to liberty; and not by the articles of confederation. Notwithstanding the monuments of our victories and our glory, which were erected throughout our extended country, from Bunker's hill in the North, to Eutaw Springs in the South, we found the written bond of our Union weakened, and compared to a rope of sand. This consideration turned the thoughts of the nation to a new constitution, which should cure the defects of the articles of confederation. This state of things involved us in another crisis which demanded the undivided attention of the nation. Our present form of government was the result. The organization of the various departments under this new constitution, equally engrossed public attention. We had fought for independence and had obtained it; yet the question seemed to be pending, whether we could preserve that freedom in the form of a written constitution, by which all power was declared to be in the hands of the people. Before we had calmly settled down upon what we conceived to be the legitimate principles of this new form of Union, we were involved in a quasi war with France; and we were agitated by the angry and vindictive animosities of party. We were again amused with the prospect of harmony at home and peace with all nations, when suddenly our political horizon was obscured by foreign convulsions; and we were involved in a contest of commercial restrictions with the belligerent powers of Europe, which terminated in a war with Great Britain. Through Divine Providence we sustained our cause, and victory crowned our efforts. A second time we fought a good fight and finished our course with joy. During these interesting periods, it could not be expected that this subject should have engaged attention. Since the memorable period of the late war, we have been wisely and beneficially employed in bringing down the war to a permanent peace establishment. Having finished this great work, we have perfect leisure to attend to the interior administration of our concerns. Distracted by no party—blessed with peace and tranquility—now is the accepted time to call the attention of the nation to the crying evil of imprisonment for debt. From the remotest period of antiquity to the present day, there never was a time when so many individuals were exerting themselves to improve the intellectual and moral condition of man. The good and the virtuous throughout Christendom, are employing all their energies; and Christians, of every denomination, are united in the mighty effort. Benevolent societies are established in every region of the civilized world. The deaf and dumb and the savage, are all embraced in those moral exertions. Missionaries of our holy religion are peopling every country. Birmah and Hindostan are receiving lessons of Christian morality, and the worshippers of Juggernaut are learning the knowledge of the true God. Jerusalem is again becoming the field of gospel labour. Divine light begins to beam on Persia, where the sun has long been the idol of their devotion. The savages of our own country are recipients of the same benevolent efforts, and the wilderness of America begins to wear the aspect of gladness.

It is not expected that we as a government should become members of these societies and make appropriations of money to carry on their designs; but, while we witness these interesting scenes, which, on every hand, are calculated to rejoice the heart of the philanthropist, it is our duty, and I trust we shall find it our pleasure, to remove every obstacle to the happiness of the human race, and to take from the hand of tyranny the rod of oppression.

### CONGRESS.

#### HOUSE OF REPRESENTATIVES.

MONDAY, FEB. 3.

This being petition-day, upwards of forty memorials and petitions were presented and referred.

A memorial was presented by Mr. Condict, of New Jersey, signed by many respectable citizens of that state, shewing the injurious consequences resulting from the importation of so great an amount of foreign goods, by paralyzing the industry of the nation, and draining the country of its precious metals, and praying for an increase of duties upon such articles as they believe can be furnished upon reasonable terms by our own manufactures.

After stating briefly the leading objects in the Memorial—Mr. Condict proceeded to remark, that it was similar to some others formerly presented by him, and which, on his motion, had been referred to a Committee of the whole House on the state of the Union.

Upon further consideration, said Mr. C. I am induced to ask the House, to give another direction to a particular paragraph of the Memorial which suggests an increased duty on *imported spirituous liquors*, and an *internal duty, or excise, upon domestic spirit*.

I have long entertained the opinion, said Mr. C. that it would comport with sound policy, and the best interests of our country, to levy and collect a much larger portion of its revenue upon liquors consumed at home. And nothing prevented me from calling the attention of Congress to this important subject during the last session, but the extreme reluctance which I have felt, and which many of my friends here have expressed, to the appointment of so many officers as would be required to carry a system of excise into effect.

In every view which he could take of this question, Mr. C. said, he was led to this conclusion; that there is no fairer, or more legitimate object of taxation, than spirituous liquors; and that sound policy, good morals, and the public happiness, require that the arm of the government should be felt, in a tax upon the consumption of this article. And for the purpose of asking the serious attention of the House to so important a topic, he submitted this motion, viz:

“That so much of the New Jersey Memorials, as relates to an additional duty upon imported liquors, and an excise upon domestic spirit, be referred to the Committee of Ways and Means, with instructions to inquire and report on the expediency of the measure. And that the residue of the said Memorial be referred to a committee of the whole house on the state of the Union.”

The question being stated on agreeing to the first part of this proposition—

Mr. Floyd, of Virginia, suggested that the proper course to be given to this memorial, as proposing a part of the odious system of excise, which there appeared a disposition to rivet upon the nation, would be, to refer it to the Committee on Manufactures, by whom the bill now before the House, apparently connected with that system, had been referred.

Mr. Williams, of N. C. was of the same opinion; not that the Committee of Ways and Means was overburdened with business, but, if it was properly the province of the Committee of Manufactures to report the bill which they had reported, for laying additional duties on imports, it was at least equally proper that this subject should be referred to that committee.

Mr. Nelson, of Md. hoped that this memorial would not be referred to the Committee of Manufactures. He could not conceive, he said, why such a direction should be given to it. He did not understand it to be the wish of the gentleman from New Jersey, or of the memorialists, to protect the manufacture of spirits, by imposing an excise upon it. It seemed to him the proper course to be pursued in regard to this bill would be to refer it to the committee of the Whole House to whom is referred the bill reported by the Committee on Manufactures.

Mr. Floyd said he had no objection to the proposition of the gentleman to refer the subject to a Committee of the Whole. All he wished was, that the whole system should be presented at one view.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Abraham Snyder; which was read twice, amended at the suggestion of Mr. Ruggles, and ordered to be engrossed for a third reading to-morrow.

[This is the case of an individual confined for debt to the United States, the principal of which was only 18 dollars, but which amount was swelled by the costs to 140 dollars. The case is one in which the Secretary of the Treasury discharged from prison only on payment of costs. In this case, the individual confined is very poor, and wholly unable to pay either costs or principal.]

Mr. Cooke, agreeably to notice, asked leave to introduce a bill by the title of “a bill to fix and equalize the pay of the Officers in the Army of the United States.”

[The bill proposes to provide that fixed compensations shall be given to officers, in lieu of pay, rations, forage, &c. and 12 1/2 cents per mile, in lieu of allowances for transportation.]

Mr. Walworth said this subject was one which had been fully before the committee on military affairs, by special reference to them, and the committee had reported, on their opinion, that no legislation on the subject was necessary. He

did not rise to argue this question; but if the House was of opinion that the subject ought not to be acted upon, he hoped that the leave which was asked would not be granted, because it would only lead to an unnecessary consumption of time.

Mr. Cooke said, that the indisposition of the Military Committee to act upon the subject, was the very reason why the leave ought to be granted to introduce the bill. The Committee had refused to act upon the subject, though having before it a document shewing that, since the reorganization of the army, sixty thousand dollars have been paid for transportation—because it was rather late in the session, and it might make some of the officers a little uneasy. These were the grounds, as he understood them, on which the Committee had refused to report. Mr. C. asked the House—he asked of the gentleman from New York himself, whether they would calmly sit by & see the public money wasted in this manner, from one end of the country to the other. From the Major-General down to the subalterns of the Army, they were all engaged in tours of inspection; and, until Congress acted upon the subject, so long would this heavy expense be entailed on the country.

Mr. Williams, of N. C. said, he hoped the House would grant the leave which was asked, and which was no more than usual in such cases. From the statements which had been made by the gentleman from Tennessee, it was evident that the subject was of such importance at least as to merit inquiry. He did not see why a deaf ear was to be turned to his proposition now, any more than to a similar one which received the sanction of a majority of the House on a former occasion. Let the bill be received, referred to a Committee of the Whole, and take its turn on the docket, with other bills.

Mr. Little said, he had every confidence in the Committee to whom this subject was referred, early in the session, and, if that Committee had given its attention to the subject, and thought no legislation upon it was necessary, as it appeared they had done, he was opposed to taking it up in the way now proposed. He could not consent to take the subject from the Committee, which would have been the proper organ of the House to introduce the bill, if it was necessary or proper to pass it, merely to gratify any individual.

Mr. Nelson, of Md. Mr. Wright, and Mr. J. Speed Smith, also opposed the motion for leave, and Mr. Floyd and Mr. Cooke supported it.

When, the question being taken on granting the leave, it was decided in the negative, 84 to 55. So leave was refused to bring in the bill.

The House then, by unanimous consent, agreed to resume the bill to regulate the collection of duties on imports and tonnage, with the amendments proposed thereto in committee of the whole.

The question was taken separately on all the amendments; and one or two additional amendments were proposed and discussed.

Finally, at a little before 5 o'clock, the bill was ordered to be engrossed and read a third time on Wednesday; and The House adjourned.

TUESDAY, FEB. 4.

Mr. Blackledge, of N. C. from the Committee on the Public Buildings, made a report relative to the providing rooms in the Capitol for the accommodation of the Clerk of the House of Representatives; which was read and ordered to lie on the table.

On motion of Mr. Hill, it was resolved, that the Committee on the Public Buildings be instructed to consider and report what alterations will be necessary to be made in the Hall of the Representatives, so as to accommodate the increasing number of Members of which the Eighteenth Congress will consist.

Mr. Breckenridge, of Ky. submitted for consideration the following resolution:

RESOLVED, That the Committee on Military Affairs be instructed to report a bill to establish a National Armory on the western waters.

The resolution having been read—Mr. Breckenridge said, he had offered this resolution, without intending the smallest imputation on the Military Committee; and he thought he was justified by circumstances, in pressing it on the consideration of the House. Such a resolution had been offered at the last session of Congress, and referred to the Military Committee; but that Committee was so divided in opinion on the subject, that they could not agree upon a report, and the subject was not finally acted upon, in any way, at the last session. At the present session, Mr. B. said, he had himself presented a similar resolution, and he understood that the Military Committee was now divided in opinion upon the subject, as they had been at the last session; and, although a majority of the committee was in favor of the object, a majority could not agree on the particular mode by which the object shall be accomplished. Mr. B. therefore, had thought it proper to present the question thus directly to the consideration of the House.

Mr. Walworth was in favor of the object of this proposition, but that the House might act understandingly upon it, thought it proper to state what were the opinions actually disclosed in the Military Committee upon the subject. A bare majority of that Committee were in favor of the object of the resolution referred to them, but a majority could not be united in favor of a mode of carrying it into effect.—A portion of the Committee was in favor of authorizing the President of the United States to select a site for an armory, and of authorizing surveys and estimates of the cost of the buildings, &c. to be made. But a part of the Committee was not willing to go that length, being in favor of reporting a joint resolution, declaring it expedient to establish an armory on the western waters, and authorizing the President to cause different sites therefor to be examined and reported upon, with a view to the selection of a site, by Congress, at the next session. Such was the

variety of opinions in the Committee, upon the subject, that they had not yet been able to agree upon a report.

Mr. Williams, of N. C. said, he did not know that he had ever seen this course pursued, of asking the House to decide *instantly* upon an affirmative proposition of this sort, involving the decision of an important principle. The usual course was to instruct committees to inquire into the expediency of any particular measure, &c. He saw no propriety in departing, in this instance, from the usual course of proceeding. He took it for granted that there would be as great a diversity of opinion in the House on this subject as there had been in the Committee, and that the House was as unprepared to decide the question as the Committee had found itself to be. The proper course with such a proposition as this, would be, to refer it to a Committee of the Whole, where it might be as amply discussed as if it were a bill. Mr. W. then moved to refer the resolution to a Committee of the Whole.

The discussion had gone thus far, when Mr. Tod asked if the hour allotted by rule to the reception of original propositions had not expired? Being answered by the Speaker that it had, Mr. Tod moved that the House do resolve itself into a Committee of the Whole, with a view to take up the bill for the encouragement of manufactures.

The House agreed to the motion, thus postponing until to-morrow the discussion of Mr. Breckenridge's motion.

Being in committee of the whole on the state of the Union, Mr. Stewart moved to take up the bill providing for the repair of the Cumberland Road, in preference to the Manufactures bill; which motion the House overruled by a vote of 76 to 64.

On motion of Mr. Tod, the committee then resumed the consideration of his bill.

The question being on the motion to strike out the enacting clause—Mr. Durfee, of Rhode Island, delivered, in a speech of about an hour, his views, adverse to any considerable augmentation of the duties on imports; avowing his intention, however, to vote against striking out the enacting clause, with a view to allowing the friends of the bill, and others, to make it as perfect as they could.

Mr. Forward, of Penn. in a speech of half an hour's length, replied to Mr. Durfee, and in support of the principles of the bill.

Mr. Gorham, of Mass. then took the floor, and spoke for considerable more than an hour, in earnest opposition to the principles of this bill. When,

On motion of Mr. Woodson, the Committee rose; and a little before 5 o'clock, the House adjourned.

WEDNESDAY, FEB. 5.

Mr. Eustis, from the committee on Military Affairs, made a report relative to the propriety of repairing the Fort at Smithville, N. C. or of erecting fortifications on a more suitable site; and the committee, in pursuance to the resolution appended to the report, was discharged from its further consideration by the House.

The resolution yesterday moved by Mr. Breckenridge, for instructing the military committee to establish an Armory on the Western Waters, being the subject next in order—

Mr. Breckenridge rose and said that he understood, since he moved this resolution yesterday, that a bill had been reported in the other branch of the Legislature proposing the establishment of a national armory on the western waters.—For the present, therefore, he moved to lay the resolution on the table. Agreed to.

Mr. Campbell, of Ohio, offered the following resolution:

RESOLVED, That a committee be appointed to ascertain by whom the suppression of the paragraph, in the letter of William R. Dickinson, Cashier of the Bank of Seubenville, to the Secretary of the Treasury, dated the 3d day of April, 1819, and by him communicated to this House at the last session, was caused, with leave to sit during the sessions, and with power to send for persons and papers.

Mr. Campbell stated the reasons which induced him to submit this proposition.

Mr. Wright, and Mr. Edwards, of N. C. successively supported the motion. Mr. Hamilton opposed it. Mr. Hardin supported it. Mr. Cook, in vindicating himself from supposed imputations, did not oppose the resolution, but concluded by moving the following amendment:

“And that the said committee be instructed to prepare and report to this House a digest of the evidence, if any such there be, shewing whether uncurrent or depreciated bank notes were taken in lieu of cash, from any of the banks, in which the public moneys were deposited. Whether the public moneys have not been discontinued to be deposited in branches of the United States' Bank, and placed in certain local banks, situated in the same towns or neighborhood, without complying with the directions of the law on that subject; and whether such transfers have resulted in loss to the government; whether the public money has not been loaned to those banks, in which standing deposits were made, under the name of deposits; and whether such loans or deposits have not resulted in loss to the government; whether security was not neglected to be taken in some one or more instances for the punctuality of one or more banks, which proposed to give such security, and whether such failure has not resulted in loss to the government.”

Mr. Hardin replied to Mr. Cook. Mr. Little moved to lay the resolution on the table, and at his request the question on this motion was decided by yeas and nays—yeas 26, nays 141.

Mr. Campbell accepted as a part of his motion the amendment proposed by Mr. Cook.

Mr. Wright again spoke, principally in reply to Mr. Cook.

Mr. Cook rejoined, at some length. Mr. Dwight spoke in explanation of the views of the Committee which has

already had this subject under consideration.

Mr. Sanders presented to the House committee, he had taken on the subject.

Mr. Gilmer delivered his sentiments on the subject, at considerable length, concluding by moving the following amendment:

“And to ascertain, if possible, whether any member of this House, or confederacy of members, have made use of the papers of this House for the purpose of making charges against any Department of this Government, which that member, or these members, know to be false.”

Mr. Woodson then, remarking on the interesting nature of the subject before the House, which ought not to be lightly or precisely acted upon, moved an adjournment; and the House adjourned.

[By this time it was nearly 5 o'clock. The debate was animated, and excited a lively interest, involving some delicate questions, and being in its nature somewhat personal. No abbreviation would give a correct idea of it; and a full report of it, which is expected hereafter to be given, would have wholly filled the newspaper—a mass of matter which it will employ the pen of the reporter fifteen or twenty hours to prepare, instead of the two or three hours which only remained to him, after the adjournment last evening, preparatory to the papers going to press.]—*Nat. Int.*

THURSDAY, FEB. 6.

Mr. Cooke offered the following resolution, which, by the Rules of the House, would lie one day:

RESOLVED, That the President be requested to communicate to this House a statement showing particularly whether the money appropriated for fortifications in the years 1820, 1821, and 1822, has been expended on the several fortifications, as required by law; whether the money applicable to one fortification has been transferred and expended on another; if so, by what authority.

At the suggestion of Mr. Cooke, the rule requiring the resolution to lie one day was suspended for this case, and the resolve was adopted.

The unfinished business of yesterday, being the resolution moved by Mr. Campbell, of Ohio, as amended on the suggestion of Mr. Cook, of Illinois, was taken up—

And the question being on agreeing to the following amendment, moved yesterday by Mr. Gilmer, of Geo, viz:

“And to ascertain, if possible, whether any member of this House, or confederacy of members, have made use of the papers of this House for the purpose of making charges against any Department of this Government, which that member, or those members, know to be false.”

The Debate was resumed upon the general subject, and lasted until half past four o'clock.

At the commencement of the Debate, Mr. Gilmer withdrew, at the suggestion of Mr. Sanders, the amendment which he yesterday introduced at the suggestion of Mr. Cook, both of which motions were, after debate, withdrawn.

Mr. Tod, when the hour arrived, moved to proceed to the orders of the day; which motion was negatived.

Mr. Chambers, at an advanced hour of the day, required the previous question, in order to terminate discussion; which requisition was not supported by the necessary number of votes.

Finally, the question was taken on agreeing to the resolution as is above stated; and it was determined in the affirmative, 107 votes to 23.

### THE CITY MEETING.

Raleigh, Feb. 3, 1823.

At a meeting of the citizens held this day at the Courthouse, for the purpose of taking into consideration the proceedings of the late meeting of the merchants of Petersburg, relative to the depreciated value of the notes of our Banks; J. Gales, Esq. Intendant of Police, being called to the Chair, and Mr. A. J. Lawrence appointed Secretary:

The Chairman stated the object for which this meeting was called, and on motion of Maj. Glynn, it was

Resolved, That a Committee be appointed, to take into consideration the late resolution and publication of the citizens of Petersburg, Va. respecting our Bank paper, and recommend to us, at a future meeting, the most expedient course to pursue on the occasion.

The following gentlemen were appointed to compose said committee: J. S. Raboteau, B. Smith, C. Manly, R. Webb, John Stuart, B. S. King and W. R. Gales.

On motion, the meeting adjourned until Tuesday, the 11th inst.

A meeting took place according to adjournment, when Mr. Raboteau, from the Committee appointed on the subject, submitted the following Report:

The Committee appointed at a public meeting of the Merchants and other citizens of Raleigh, on the 2d inst. to take into consideration the late resolution and publication of certain citizens of Petersburg respecting our Bank Paper,

#### REPORT.

That it is very desirable, that the Merchants of North-Carolina should obtain their supplies of Goods within their own State as far as practicable, rather than subject themselves to the inconvenience and vexation of having their money depreciated in a distant market. They consider it an extraordinary fact, that this State should so long have submitted to so humiliating and losing a traffic. But the impolicy of this course probably never assumed so disadvantageous an appearance as at present, when our Bank Paper, which is believed, as to its real worth and the solidity of the basis on which it rests, to be as good as any other Bank Paper of the Union, is depreciated at Petersburg, in the management of interested persons, to the extent of 20 per cent. below par; and an application made to their Legislature to prohibit the circulation of our money in Virginia altogether, as determined, as it would occur to have us upon our own resources.