law of the United States) of the estate and effects of M'Farlane and Player, of Charleston, in the state of South Carolina, merchants, as well on the part and behalf of themselves, as the other creditors of the said estate, praying a remission of the duties on one hundred and forty six boxes of sugars, imported into the port of Charleston, from Trinidad, by the said M'Farlane and Player, before they became bankrupts; which said sugars, together with the store house in which they were deposited, were entirely consumed by fire, on the night of the thirteenth of August, one thousand eight hundred and one.

*Ordered*, That the said petitions be *referred* to the Committee of Commerce and Manufactures.

A petition of Thomas Shubrick, of the state of South Carolina, was presented to the House, and read, praying relief in the case of a contract entered into by him with a navy agent of the United States, some time in the year one thousand seven hundred and ninety-nine, for the cutting of timber, the property of the petitioner, to build two seventy-four gun ships for the use of the government of the United States, and that he may be reimbursed the sums of money actually expended on account of the said contract, and also, be allowed such nett profit on the timber furnished for the purpose aforesaid, as shall be deemed reasonable and proper.

*Ordered*, That the said petition be referred to the Secretary of the Navy.

*December 27.*

A petition of Adam Koch, was presented praying the interposition of Congress to enable him to receive the bounty of land due for his services as a private soldier in the sixth Pennsylvania regiment on Continental establishment, during the revolutionary war with Great Britain, which has been hitherto refused, in consequence of another person, of the same name with the petitioner, who belonged to captain Bartholomew Von Heer's troop of light dragoons, having obtained a grant for the like quantity of land, on application at the war office of the United States.

*Ordered*, That the said petition be referred to the committee of Claims.

*December 28.*

A petition of Roger Alden, agent for the Holland land company in the northwest part of the state of Pennsylvania, presented to the House, and read, praying relief in the case of a number of stamps of different kinds of the first impression, amounting to the sum of one hundred and ninety dollars, provided by the petitioner, some time in the year one thousand seven hundred and ninety-nine, for the well executing the business entrusted to him; which said stamps, owing to the cause mentioned in the petition, were not suppressed, and new ones issued in lieu thereof, in compliance with an act of Congress, and the order of the late Secretary of the Treasury on that subject.

Also, a petition of Samuel Frazer, of Harford county in the state of Maryland, praying the interposition of Congress to enable him to receive the bounty of land due for his services, as a private soldier in the continental army, during the revolutionary war with Great Britain; which said land has been granted to a certain William Thomas, without the knowledge, and contrary to the just claim of the petitioner.

Also, a memorial of Sarah Peters, of the city of Washington in the district of Columbia, widow and relict of Alexander A. Peters, deceased, praying that Congress will be pleased to grant her a pension, in consideration of the services of her said husband, who died at Fort Johnston, in North Carolina, some time in the month of November last, whilst in the capacity of surgeon's mate in the army of the United States; or that such other relief may be afforded the petitioner, as to the wisdom of Congress shall seem meet.

*Ordered*, That the said petitions and memorial be referred to the committee of Claims.

A petition of Jonas How, agent for the sixth Massachusetts turnpike corporation, was presented to the House, and read, praying, that a turnpike road completed by the said corporation, may be established as a post road from Shrewsbury to Northampton in the said state.

*Ordered*, That the said petition be referred to the committee on post roads.

*Ordered*, That the petition of Thomas Stagg, junior, and Thomas Snell, of the city of New-York, presented the twenty ninth of December, one thousand eight hundred and one, be referred to the committee of Commerce and Manufactures.

*Resolved*, That the committee of Commerce and Manufactures be instructed to enquire into the expediency of establishing, by law, a port of delivery in the town of Tivertown, in the district of Newport, and state of Rhode-Island; and that they report by bill, or otherwise.

*December 29.*

*Resolved*, That a committee be appointed to enquire into the propriety of granting further time to proprietors or holders of military land warrants to obtain and locate the same; and that the committee have leave to report by bill, or otherwise.

Mr. Southard, Mr. Clay, Mr. Thatcher, Mr. Stewart, and Mr. Israel Smith, appointed the committee.

December 30th.

A petition of Sampson Henderson was presented, praying relief, in consideration of a wound received at the battle of Savanna, whilst a soldier in the tenth Virginia regiment on continental establishment, during the revolutionary war with Great-Britain, which has rendered him incapable of obtaining a livelihood by labour.

Referred to the Committee of Claims.

Mr. Mitchill, Mr. Griswold, and Mr. Brent were appointed a committee to enquire into the expediency of revising and amending the several acts concerning patents and copy rights.

December 31.

A petition of sundry inhabitants of the city of Washington and of Georgetown was read, praying that Congress will pass an act for incorporating an insurance company in the city of Washington, to be styled, "*The Columbia General Insurance Company*," to be established on such a plan as shall suit the present circumstances, and future prospects of the seat of government of the United States.

Referred to Mr. Dennis, Mr. Van Ness, and Mr. Taliaferro.

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## National Intelligencer.

### *Congress of the United States.*

*House of Representatives.*

Friday, January 14, 1803.

A Message was received from the President advising the House that he had signed an act for the relief of Charles Hyde, and an act making a partial appropriation for the Naval service for the year 1803.

Mr. Van Ness reported a bill amendatory of an act incorporating the City of Washington, which was read twice, and referred to a committee of the whole on Tuesday next.

This bill proposes the amendments to the incorporating act recommended by the city Council; and the appropriation of          Dollars for the establishment and support of Schools, and of          Dollars for City uses, so long as the public property in the city shall remain exempt from taxation.

Mr. Van Ness also reported a bill for opening a road from 14th Street, &c—

Referred to a committee of the whole on Tuesday.

The House resolved itself into a committee of the whole—Mr. John C. Smith in the chair—on Mr. Rutledge's resolution, *to exempt states importing arms for the use of their militia from the payment of duties thereon.*

On this resolution an interesting debate ensued which continued till near four o'clock.

Those who advocated the resolution are Messrs. Rutledge, Macon, Lowndes, Bayard, Nicholson, Dennis, Huger, Butler, and Griswold.

Those who opposed it, are Messrs. Dawson, Randolph, Bacon, Eustis, Mattoon, Holland, and Mitchill.

The friends of the resolution supported it principally on general principles; notwithstanding its origination in the peculiar circumstances in which South-Carolina was placed by the purchase of arms abroad which she was about importing. They declared the arming the militia of the United States an object of the utmost importance; an object not only recommended by the ordinary situation of the country, but likewise enforced by the peculiar crisis of affairs. The militia had been correctly denominated the natural defence of the nation, and alone could render a standing army unnecessary. A celebrated writer had truly pronounced an armed nation invincible; and when arms should be put universally into the hands of our militia, the United States would be an armed nation. As these sentiments were indisputable, and as a state of affairs existed not of the most pleasant nature, as there was no knowing the moment when our most vulnerable points might be attacked, inducements to the adoption of the resolution of a temporary were superadded to those of a permanent complexion.

Two objections only were urged against the adoption of the resolution; the first, that thereby a diminution of revenue might be experienced; the second, that it withdrew a ligitimate and necessary protection from the domestic manufacture of arms. With regard to the first objection, it was alleged to have but little weight. The quantum of revenue derived from the importation of arms was insignificant; and it appeared by documents on the table that in the years 1799, 1800 and 1801 not a dollar had been received from this source. So trifling a sacrifice, therefore, as this consideration involved, was unworthy of the regard of the legislature in competition with the immense object of arming our militia. A good militia system had always been considered as a great desideratum, and had accordingly engaged every session the attention of the legislature. But it was believed that until arms were exclusively put into the hands of our citizens no effectual provision could be accomplished; whereas with arms in their hands they would be competent, under state regulations, to the complete defence of the country.

Under the Constitution of the United States, it did not appear to be the duty of the states to arm the militia; that duty was at best equivocal; as the object was national, it might perhaps most correctly be considered as the duty of the general government. It was certainly the interest of that government that the militia should be armed; and it would also be the evidence of a wise and magnanimous policy to grant the reasonable requests of the states; particularly when a gratification of such requests would promote not only the general harmony, but also the national strength.

The removal of the duty, it was observed, would in the proportion of 15 to 100, increase the ability of the states to purchase arms; for which this was a season the most auspicious, and which ought therefore to be immediately seized. An immense mass of arms had been employed during the late European war; and on the restoration of peace, which now pervaded Europe, a large portion of them, becoming unnecessary, were carried into the market; the consequence of which was the reduction of their price much below the war price. This then was the season for purchase, which ought to be improved without delay, as there was no foreseeing the hour at which new hostilities might burst out in that quarter, and as it was ascertained, from experience, that during a state of war the exportation of arms was prohibited; which might be that period when they would be most wanted by this country.

The militia were, it was remarked, in most of the states but miserably supplied with arms; and this was more particularly the case in the southern states. Should the nation, contrary to their wishes, be engaged in war, it was these states that would experience the first attack of an invading enemy; and in such event, as the ultimate defence must rest upon the national government, it would then be perceived that even the revenue would in effect be aided in case the facility thereby given the states to procure arms should have by the removal of this duty, rendered unnecessary the interposition of the federal government. By limiting it two years, a stimulus would be given to the states, as well as an intimation of the sense of the general government of the importance of immediately attending to this interesting object.

It was asked, whether it was proper to tax the militia that the revenue might be aided? It would be better even to tax the bread of life, than the arms of the militia, because these arms were necessary to enable our citizens to eat that bread in peace.

With regard to the second objection made to the resolution, that it would depress, if not destroy, the domestic manufacture of arms, it was replied that even if such should be the effect, in a case of such infinite importance the lesser evil should be submitted to rather than lose the greater benefit. It was acknowledged that the protection of domestic manufactures was a great object, and especially the manufacture of arms; but it was declared to be the result of all experience in Europe that the private manufacture of arms must be abandoned in times of peace. Governments, mindful of this necessary effect, had established national armories. Such ought to be the policy of the United States, as well as the giving a bounty, in time of peace, on the domestic manufacture, even if that bounty exceeded the market price one hundred per cent. The effect, however, ascribed to the removal of this duty, was denied; and it was alleged that the present price of imported arms was so low, notwithstanding the existing duty, that the domestic manufacturer could not enter into competition with the importer.

With regard to protecting duties they had in many cases been laid, and correctly laid, on articles, such as hats, boots and shoes, where the ability of the manufacturers was equal to the demand; but in the article of arms this was manifestly not the fact; nor was it believed, considering our increasing population, that it would be the case for twenty years.

*On the other hand, the opponents of the resolution* remarked that it presented simply a question of money. Notwithstanding the eloquence with which it had been urged, it was extrinsic from the great points introduced to buoy it up. It had really nothing to do with the important object of arming the militia. Every member on the floor knew and felt the infinite magnitude of that object; but the difference of opinion entertained respected not the end, but the means of accomplishing it. In two views the resolution was exceptionable; first as it would affect the revenue; and secondly, as it would affect the domestic manufacture of arms. The first consideration was entitled to some weight, though it was allowed that, if any great good could be proved as likely to result from the removal of the duty, the force of the objection would be weakened; nor would this argument, in such event, be adhered to. But the second effect calculated to be produced by the adoption of the resolution, was conclusive against it. At a time when the domestic manufacture of arms required and demanded the fostering hand of government, it was proposed, contrary to every principle of justice, and subversive of every suggestion of policy, to remove an existing duty on imported arms, and thereby effectually to prostrate the domestic manufacture of them. The duty had been imposed long since; and effects eminently beneficial had resulted from it. The manufacture of arms among ourselves had been cherished and extended.

Our dependence for this important article no longer rested upon foreign supply. Many respectable manufactories had been established, and our citizens been enabled to enter into competition with importers of arms. This effect had been produced during the late European war, when the price of arms, from the great demand was high. Now, when that price was reduced, and when the domestic manufacturer could scarcely compete with the European price superadded to the duty, it is proposed still further to aggravate his situation, and to withdraw his only protection; that protection which had allured him into the manufacture, and the unjust removal of which might issue in his ruin and the destruction of the whole domestic manufacture. It was proposed to suspend the exaction of the duty for two years. This would effectually prostrate the domestic fabric of arms, and after that period we might in vain seek the manufacturer elsewhere than in the records of the bankrupt law. Thus at the very moment when our domestic manufacture of arms required the most protection, it was attempted to remove all protection whatever. Who, it was asked, would under such harsh circumstances, ever hereafter undertake this vital fabric? But it was alleged that an allowance of the importation of arms, duty free, would be attended with a great present benefit. Even allowing this might be the case, which however was questionable, was it the policy of the government to sacrifice a great ultimate advantage to a temporary good?

Every nation ought to have those resources on which her existence depended within herself. Of this nature was the manufacture of arms. Regard ought not exclusively to be paid to the present period. Periods of equal—of greater danger might hereafter arrive, when it would not be in our power to import arms; and when consequently our reliance must be on ourselves. Was it therefore, politic now to take a step that would crush our infant manufactures? The fabrication of arms too was not to be learned in a day. Was it then wise to give up all the experience we had gained?

It was futher contended that the abrogation of the duty at this late day would operate injuriously, if not unjustly, to those states who, under greater difficulties than at present existed, had made patriotic purchases of arms. Many of these purchases had been at prices three fold the existing price. Would not the removal of the duty, therefore, operate as an indirect tax upon the citizens of those states who had manifested the greatest exertions to obtain arms, while it operated as a bounty upon those who had displayed the least. These exertions had been most vigorously made in the Eastern states. Would it be said that they were richer or more able to defray the expense, than the Southern states? The fact was that the respectable state of South Carolina, and the other Southern states, were fully able to pay the duty, and if they entertained a zealous disposition to arm their militia, the duty would be no obstacle. In the Eastern states the militia were armed.—There individuals had purchased arms at an enormous expence. In a state of real or apprehended danger, what had there been the conduct of the people? They had bought arms, and turned out, and submitted to heavy burthens. In another part of the union, it might not be just to say the people were asleep; but the fact was they had not armed or turned out. Is it fair, then, or just, to tax those who have been so vigilant, and have borne such heavy burthens, to relieve those who have been supine and have borne but little burthen? Is not this in effect a tax upon the necessaries of life, upon the bread of the poor? This would indeed be a dreadful discouragement to those who have most exerted themselves in a period of danger.

An argument in favor of the abrogation of the duty had been drawn from the suspension of it some time since. But that argument was entitled to little weight; then the price abroad was so high, that even abating the duty, our manufacturers could keep up a competition with the importer; whereas the reverse was now the case.

It was added, that if this resolution were meant to secure the internal defence of the country, and it were calculated to have that effect, it did not extend far enough; but ought to embrace lead, ammunition, gun-powder, and flints. The circumstances under which the motion was made were extraordinary. The United States had removed the land tax, and all other direct taxes, by which the states and their citizens were [illegible] heavy burthens previously existing; and yet at this very time an attempt is made to diminish the only remaining source of taxation—external duties. The question was, merely whether the United States or South Carolina should pay this duty. South Carolina being better able to pay it, the answer was ready. Besides, if the duty should be remitted in this instance, justice required that it should also be remitted in all other cases in which it had been paid; and this was a measure which the advocates of the resolution would not probably favor. As to cannon, they could be made cheaper at home than abroad. The state of New York had established a foundery at Connecticut. South Carolina might do the same.

The question was then taken on the amendment, limiting the suspension of the duty to two years, and carried.—Ayes 33.—Noes 33.

*Mr. S. Smith* moved to insert "brass" before "ordnance." Agreed to.

Mr. S. Smith then moved to strike out the word "fire;" from which it would result that all arms except muskets would be exempt from duty.

Mr. S. Smith said he would not detain the house at that late hour. He only rose to enter his protest against the ideas of some gentlemen, who had expressed the opinion that there should be no protecting duties. He believed if all protecting duties were taken off, the effect would be a destruction of our manufactures. He hoped before the house rose that subject would be brought forward, and seriously attended to.

*Mr. Nicholson* had heard no gentleman say, there ought to be no protecting duties. He had himself said they ought not to be laid on articles of the first necessity, when the manufactures of the country were not competent to supply the demand.

A motion was made that the committee should rise, and ask leave to sit again.

Carried. Ayes 48.

The committee accordingly rose, and on granting leave to sit again, the house divided.—Ayes 34.—Noes 25.

Mr. Randolph, having obtained leave, reported from the Committee of Ways and Means, a bill "for the relief of the sufferers by fire in the town of Portsmouth;" which was immediately read twice, and referred to a committee of the whole on Monday next.

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*Yeas and Nays on the motion of Mr. Griswold to strike out the following words, being part of the resolution agreed to on the 7th inst. by the House of Representatives on the subject of New Orleans.*

"And relying, with perfect confidence, on the vigilance and wisdom of the Executive, they will wait the issue of such measures as that department of the government shall have pursued for asserting the rights, and vindicating the injuries of the United States."

Yeas——Messrs. Bayde, Cutler, Dana, Davenport, Dennis, Goddard, Griswold, Grove, Hastings, Hemphill, Henderson, Hill, Huger, Hunt, Lowndes, Mattoon, L. R. Morris, Perkins, Plater, Read, Rutledge, J. C. Smith, Stanley, Stratton, Tenney, Thatcher, Upham, Van Rensselaer, L. Williams, Woods—30.

Nays—Messrs. Alston, Archer, Bacon, Bailey, Brent, Brown, Butler, Claiborne, Clay, Clopton, Condit, Cutts, Davis, Dawson, Dickson, Elmendorf, Elmer, Eustis, Gray, Gregg, Hanna, J. Heister, Helms, Hoge, Holland, Holmes, Jackson, Leib, Meriwether, Mitchill, Moore, Mott, New, Newton, jun. Nicholson, Randolph, jun. Smilie, J. Smith, N. Y. Josiah Smith, S. Smith, Southard, Stanford, Stanton, Stewart, Taliaferro, jun. Thomas, Thompson, A. Trigg, J. Trigg, Van Cortlandt, Varnum, Van Horne, Wynns—53.

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*Yeas and Nays on the following part of said resolution:*

"That, adhering to that humane and wise policy, which ought ever to characterise a free people, and by which the United States have always professed to be governed; willing, at the same time, to ascribe this breach of compact to the unauthorised misconduct of certain individuals, rather than to a want of good faith on the part of his Catholic Majesty; and relying, with perfect confidence, on the vigilance and wisdom of the Executive, they will wait the issue of such measures as that department of the government shall have pursued for asserting the rights, and vindicating the injuries of the United States:—holding it to be their duty, at the same time, to express their unalterable determination to maintain the boundaries, and the rights of navigation and commerce through the river Mississippi, as established by existing treaties."

Yeas—Messrs. Alston, Archer, Bacon, Bailey, Brent, Brown, Butler, Claiborne, Clay, Clopton, Condit, Cutts, Dawson, Dickson, Elmendorf, Elmer, Eustis, Gray, Gregg, Hanna, J. Heister, Helms, Hoge, Holland, Holmes, Jackson, Leib, Meriwether, Mitchill, Moore, New, Newton, jun. Nicholson, Randolph, jun. Smilie, J. Smith, N. Y. Josiah Smith, S. Smith, Southard, Stanford, Stanton, jun. Taliaferro, jun.