from Georgia would carry it. I venture to say that the abuse of that doctrine in the celebrated case of Sir John Lowther and the duke of Portland, which created one general sentiment of indignation in the British nation—an attempt under that maxim to deprive a subject hostile to the court of property of which he had been long in possession, for the purpose of transferring it to a minion of the court—that case with all its aggravated enormities does not come up to the case before the House; and I speak without reference to the question whether the petitioner has a right or not to the property in this case. The question of right is not before the House, and that question, decide which way you will, can have no sort of weight in the vote which the House ought to give. The question is this—Having been long in possession of a piece of land, the title deeds destroyed, records burnt, and possession the only title you have to show, an attempt is made to dispossess you of the property; a decree of a court confirms your right—if the individual under these circumstances can be turned out of possession by main force & strength, and that too military force, there is an end in the right to property of every man in the country. Sir, I have been astonished, and grieved, and mortified, to see so little sensation created in this nation by the procedure in question. It strikes at the root of every thing dear to freemen. There is an end of their rights. This doctrine has been applied in the first instance in the territory of Orleans—but where is the security that it will not be applied tomorrow in the territory of Columbia, and the next day in every state in the union. And, sir, I shall consider the acquisition of the territory of Louisiana, otherwise so valuable, as a pernicious gift, if it be the means of the introduction of this doctrine. Suppose this case—for I believe there is not a part of the union where there is greater confusion of title than in this city of Washington—suppose it to have occurred here. Suppose it to be a matter of doubt whether property belongs to one individual or another, or to the government. Suppose the question to have been settled by due course of law, and a legal decision to have been had thereupon; and then suppose that the President of the U. S. had taken this law, which my friend from North Carolina very properly calls the Yazoo law, to apply to the turning out the person put in peaceable possession of the property, and keeping him out—I do not know for my part any duties which the marine corps have to perform at the barracks to prevent them from being employed for that purpose. Suppose property of mine or any man in this House to be in dispute—there is not a man of us who may not be turned out of possession—and how? Upon the doctrine, as I understand my friend, that the government is always supposed to be in possession of property, and *"nullum tempus occurrit!"* So that land in possession of your ancestors since their emigration, may be taken from you because the government is always supposed to be in possession! A more flagrant abuse of power never was, never can be, committed; and the only ground on which it can be attempted to be sanctioned is that it is a small spot of land and the property of an individual—the very ground on which it becomes every individual to contest it. If the law had been applied to a country covered by vast hordes of Indians, the case would have been different; it would have been no individual claim. But when we apply it to every little farm, to every cottage, if the people are not very different from what I believe them to be, they must unite, *una voce*, in reprobation of the outrage. I venture to say, if you go into any state and attempt to dispossess any farmer or planter of his twenty-five acres in this way they would rise in opposition to it. Sir, the old tea and stamp tax was nothing to it. It is a principle which comes home to the bosom and fireside of every man in the country—a principle which if we sanction, there is not an individual in the United States who may not tomorrow be turned out of his right and set a drift and that after a finding in his favor by a righteous jury.

What then is this case? An indi-individual comes before us and says that after his being put in possession of a piece of land—I speak not of the validity of his title; it is not concerned in this question—he was dispossessed by military force of this property. These two facts I do not understand any member of this House to deny. And what does he claim? He claims of you, as the guardians of the rights of every man in society, JUSTICE. And where do you send him? To the attorney general. I will suppose that in the Louther and Portland case, the duke of Portland had been referred to the attorney-general. Would the English nation have endured it! No sir, much less would they have endured, military as the nation is becoming by the introduction of large standing armies, that he should have been dispossessed of his property by an armed military force at the fiat of the crown. The question is, what should be done? Sir, what should not be done is perfectly clear. It ought not to be done that the petitioner should be sent to the Attorney General, who has already given an opinion on his claim, though that is very immaterial, which opinion it seems we cannot find. If I understand any thing of this government, however, it ought to be on record, and this return of *non est inventus* ought not to have been received. All that we have to do, it appears to me, is to make a provision in the nature of a declaratory law, not amending the act of 1807, but declaring what the law is; and we ought to quiet the rights and the mind too of every man in society by declaring that by the act of 1807 it was not intended to authorize the President of the U. States to interpose the bayonet between the courts of justice and the individual. This power never has been given, never was intended to be given. The individual has a right to a remedy somewhere against those who thus ousted him. If I were to set myself down on this heath by which we are surrounded, and take possession of a spot of earth to which I have no more title than Robinson Crusoe, it is not in the power of the President to remove me, more especially after a court has given an opinion in my favor. I must be dispossessed by due course of law, and not of gun-powder and steel. I see a batture forming before my door in George-town. It may become a question to whom that batture belongs—for the territory has been ceded by the states of Virginia and Maryland in the same manner as Louisiana was by France. That question may be brought into court. Suppose it decided that the owner of the island is entitled to the batture, & he is put in possession—I ask whether it would be competent to the Executive, under the ubiquity of the right of the United States to the soil, and the maxim of *nullum tempus occurrit*, to remove the party thus put in possession—to take away the property and give it to a favorite, no matter whether the corporation of George-town or an individual? It could not.

As to the sensation which this question has appeared to excite, I consider it one of the most important questions which ever arose under this constitution, and a question too the merits of which are not to be, by any possibility, affected by the question whether the claimant has a legal right to the property or not. I did expect, sir, when the act of 1807 passed, that it would have been applied to very different purposes, I did not expect that in 1809 there would have been two thousand persons on that property permitted to hold it peaceably, when force was put in the power of the President to remove them; and that the law would have been put in force only in relation to a small spot of land, the property of an individual not only unable to resist military authority, but even to resist the Marshal. There was no cause for such interference. My colleague (Mr. Sheffey) has indeed explained the motives which may have influenced the decision. I believe that the President may be misled by evil counsellors. It is not investing a man with great Executive power or placing him in a great department of the government that divests him of the frailty of man. Whatever may be brought in palliation of this outrage, it nevertheless strikes at the root of the rights of every man in society. The motive of the action belongs to the other House to consider, when a case is brought before them, in which the question of the guilt or innocence of the party is involved.

I have said more than I intended, but I could not have said less. I could not reconcile it to myself as a freeman, determined to defend as long as I can my fireside and household gods against military power, to consent that the same right of my fellow-citizens shall be violated with impunity, if I can help them.

Mr. Lyon said that he was also of opinion that the President had been wrong in what he had done; but the law had compelled him to do it. Mr. L. referred to the law to show that the terms of it were imperative. The gentleman from Virginia (said Mr. L.) takes it for granted that the petitioner was in possession of the property in question previous to the passage of the law; but I believe it was subsequent. I spoke of that law when it passed as I speak of it now; I told gentlemen that the law could take in other cases than those which they intended it to operate on; I told them that they were acting in direct opposition to the constitution. I want to know what difference there is between this case and that of a man who owned land in any other territory? The rigorous law has been but rigorously executed in relation to this case. I would repeal the law and appoint commissioners to take cognizance of the case. Repeal your unconstitutional law, and undo what has been done under it. You may smother the law as they lately did the Olmstead business in Pennsylvania, but it will be understood to the original cause of it. I am glad to see that the gentleman from Virginia (Mr. Randolph) has come to the end of his tether; he has persuaded the House to pass an unconstitutional law, and now compares it with the tea and stamp tax—[The Speaker said it was doubtful whether it was within the rules of order for any member to say that a gentleman had persuaded the House to pass an unconstitutional law.] Mr. Lyon said, he believed he was always apt to speak the truth too bluntly. He would give his advice to undo the law, to accommodate what had been done, and bring the business to an end. This clause of the law would be found to fit a thousand other cases as well as it had done this; it was unconstitutional and improper; and the House never would do right unil they wholly repealed the law.

Mr. Gold said that this was one of the most important subjects that had ever been brought before the House. He did not mean to enter into the merits of the case. The gentleman from Virginia had very clearly expressed all those sentiments which every man must feel on hearing the history of this case; and as regarded the ground taken of *nullum tempus occurrit* the gentleman had repelled it very properly—and indeed in that country whence the maxim had been derived, whenever it was attempted to be put in force against ancient possessions, it had been executed with great difficulty. It is in the very teeth of *magna charta*, which says that a freeman shall not be dispossessed of his freehold without a better right is ascertained. There are a variety of forms by which the right is guarded. If I, said Mr. Gold, understood the gentleman from Georgia (Mr. Troup) he considers it a sacrifice of the rights of the U. S. to permit a decision on its property to pass into the hands of third persons. Even in England the prerogative is not carried so far. The crown has frequently consented that the right of government should pass into the hands of third persons, viz, of commissioners for the purpose of investigation.

I will not trouble the House with lengthy remarks on this subject. I can hardly advert to it without feeling all that has been much more eloquently expressed by the gentleman from Va. than it is in my power to express it. Let gentlemen look around and see if they can find a precedent for this transaction. And when we consider it, every man's feelings must be operated upon too strongly to permit him to argue. The course suggested by the gentleman from Virginia must prevail, or we no longer live under a government of laws, and those principles on which it is founded are destroyed. The man ousted must be put in possession, must be restored to the possession of the property which the hand of violence has wrested from him; and I hope that a proposition to this effect in a proper shape will be presented.

Mr. Alston said, God forbid that he should be concerned in the smallest degree whatever in wresting from an individual property to which he was justly entitled. It had been stated by the gentleman from Virginia that the act of 1807 was not intended to apply to this case. From an examination of that law, said Mr. A. I verily believe that if ever there was a case on which that law could operate, this was such a case. Do you find any thing in this law saying that it is to guard against *associations*? It speaks a language too plain to be misunderstood. The act says "if any person *or* persons" shall do so and so. This surely applies to individuals as well as to associations. Away then with the nice distinctions between this case and that of intruders on the lands of the United States. I shall not attempt to investigate the title of the claimant or of the United States in the present case. Why will gentlemen attempt to make a distinction between this case and that of any other individual who has intruded on the lands of the United States? If the U. States had a claim to land, was it not the duty of the President, under the law of 1807, when an individual took possession of it, to remove him from it? Surely it was. Was the claim of this petitioner laid before the commissions appointed to take cognizance of claims to land in Louisiana? I believe not. Let, then, the proper authority make a decision on it. The court of Orleans was not the proper court. The right of the United States was not defended before the court of Orleans; and the decision before that court therefore ought to have no influence in leading the minds of gentlemen to a decision on this subject. The public have a claim; they are now in possession; and I will never consent to establish any tribunal for this different from that which decides in similar cases.

(Debate to be Continued.)

WASHINGTON CITY.

MONDAY, AUGUST 7.

The President of the United States arrived yesterday from Montpelier.

The *Secretary of War* arrived in this city on Friday.

It will be seen, by the news in the Postscript, that Mr. Jackson, the expected minister from England, had not sailed on the 21st of June.

LABOR-SAVING MACHINES.

There is no part of the world in which such strong inducements exist to the cultivation of the vast resources resulting from the use of labor-saving machines as in the United States. This arises from the high price of labor and the versatile talents of our inhabitants. And as these causes are like to continue for ages, in consequence of the vast extent of our Western lands, and the vigor of the American mind, arising from the freedom of our inhabitants and the great field open to it, it would seem to be the dictate of true wisdom to cherish, by all laudable means, this invaluable resource. The astonishing progress recently made in mechanics, by applying its powers to the advancement or perfection of several useful arts, should emphatically impress us with the infinite extent to which the ingenuity of the human mind, under propitious circumstances, is calculated to expand. Were we called upon to assign the principal cause of the unrivalied wealth of Great Britain, we should unhesitatingly specify this. Other causes, it is true, have concurred, but this has been the main-spring, whose powerful elasticity has borne up against an oppressive load of taxes and monopolies unknown in any other quarter of the globe. It is this that has given her a superiority in manufactures, both in the fabric and the actual cost, that has enabled her by supplying to a great extent the whole civilised world, to impose a tax upon foreign nations, that constantly tends to the increase of her wealth and relative strength. The manufactured goods annually exported from that country exceed two hundred millions of dollars in value. On this immense amount she levies a duty, graduated at pleasure, on foreign nations. Besides this, her manufactures, her factors, her merchants that import raw materials, or her growers of them at home, with the numerous classes and professions dependant upon them, receive a remuneration for their capital and labor by the sale of the manufactured goods that supply the wants of foreign nations, the price of which enables all those connected directly or indirectly with their production to pay their complicated taxes, to support themselves, and receive a handsome profit. Were this subject traced to its source, it would probably be found, that, in this way, more than half the immense amount of taxes drawn into the British exchequer, is actually derived from the tribute of foreign nations.—Here is an inexhaustible mine of wealth compared with which those of Golconda or Mexico are insignificant, and as productive of solid riches, as the latter have been fatal to them.

From the structure of our constitution, we are inhibited from laying any duty on exportation of the raw materials, which England takes in exchange for the very fabric made out of them. Our only resourse then left is to manufacture for ouselves; and in the same degree in which we decline doing this shall we virtually pay a tax to England.

On this subject we are met at the threshold by those who are opposed to the progress of the American manufactures, with the enquiry, whether there is any thing so captivating or enviable in the state of Great Britain, as to recommend our following the course which she has pursued? It is asked, whether the happiness of our people would be promoted by their exchange of agriculture for manufactures. We say unhesitatingly no, and that the case put is in the highest degree visionary. No one in truth dreams of it. We do not desire to advance manufactures beyond agriculture; we know that the attempt would be as futile as pernicious; we know that agriculture must for ages continue the chief occupation of our citizens. So far from this inflexible habit of our citizens constituting an argument against a judicious encouragement of manufactures, it is the strongest argument that can be urged in support of it. For, promote manufactures as we may, there is no danger of supplanting agriculture; they may aid, but it is impossible for them to paralise it. The rapid growth of our numbers, the vast range of unoccupied land, the proneness of our citizens to the cultivation of the soil, will long avert the period, if indeed it should ever come, when we shall manufacture more than we want for ourselves, or when our mechanics shall bear any considerable proportion to those employed in agriculture. It follows, that encourage manufactures as we may, we cannot change the habits or character of our citizens, or produce any of those great evils which a manufacing nation is destined to endure.

On the particular subject, too, now under consideration, it ought to be recollected that for the supply of manufactured articles, we are not now dependent for more than a sixth part on the foreign world; and that consequently the effects of improved machinery operating most extensively on the fabrication of articles already made among us would principally have the effect of reducing their price, as well as that of the products of agriculture, by diminishing the number of hands taken from it, whereby the quantity produced would be augmented without a correspondent increase in the demand. Labor-saving machinery, therefore, is equivalent to a new creation, and has the palpable effect of contributing to the comfort of man what, without it, he could not enjoy. It also elevates the laboring class of the community by making their labor more productive, and effects this without injuring in the least the other classes of which the community is composed.

However, then, we may differ about the policy of offering bounties to manufactures, either by direct rewards, or by duties on imported fabrics, there can be no difference on the expediency of introducing, by suitable encouragements, the mechanical improvements made in other countries, and of exciting, by proper rewards and honors, the improvements that may be made by our own citizens. This involves the exercise of a power, indisputably inherent in the general government, a power now and long since virtually exercised in the grant of patents. It is a power, whose exercise can excite no just alarm, either on the score of constitutionality or expediency; while, on the other hand, it is fitted to produce the greatest benefits at the least expence, and to reflect new lustre on the American name.

Let this power, then, be forthwith exercised. Instead of exacting a paltry sum for a patent, let the government widely open the door to the ingenuity of our citizens, and grant a patent to every meritorious applicant without any fee. Let them establish a scientific board to investigate the merits of each application before a patent is allowed; and, when allowed, let there be an official annunciation of it, with the explanation necessary to recommend it to trial. Let there be a spacious suite of apartments, in which the works of genius that are offered may be conspicuously and imposingly arranged, with directors, whose duty it shall be to keep them in order and explain them to the visitant, the whole being accessible to every one. Let periodical premiums of honor or profit be distributed among those who shall make the most valuable improvements. For these purposes, to wit: the creation of proper apartments, their superintendance, the publicity given to improvements and inventions, and premiums, let the annual sum of 50,000 dollars be appropriated, a sum which divided among the people of the United States, would not average a cent a head.

We have received a few late London papers, but their contents have mostly been anticipated in the Northern prints, and thence copied into this paper.

In these papers, however, we find one article which is deemed worthy of insertion, as relating to the late developement of our situation with Great Britain. An abstract of this debate has already appeared in the United States, but we have not seen it so much at length as it now appears.

AMERICA.

Mr Marriott, after some preliminary observations, said, that he was rejoiced at the intimation given by his majesty's ministers, namely that they would not withhold those papers for which he at present moved. The hon. member concluded by moving:—

"That an humble address be presented to his majesty, that he would be graciously pleased to direct that there be laid before the House copies of such notes as passed between his majesty's ministers and the U. S. of America on the repeal of the orders in council of November and January last, and also with regard to the renewal of a commercial intercourse between the countries, together with a copy of such instructions as had been sent by his majesty's ministers at home to their resident minister in America on the subject of such negociation."

Mr. Canning said, that on a former night, in answer to the question of a noble lord on this subject, he had stated, that it was not the intention of his majesty's ministers to advise his majesty on the point, not considering it necessary to call Parliament to come to any opinion on the matter. There could be no objection, he said, to the laying of papers before that House which had alrea-