with whom it slept until near the close of the session when a report merely of facts was made. The report was then made at a late day of the session, and the House never took it up. It is now proposed to be postponed until a very late day of this session, and it will then not be taken up.

Whatever the opinions of some gentlemen may be, it is a fact that many honorable and unfortunate merchants are now struggling with their misfortunes, produced by French spoliations, whom the hope of relief from government has saved from ruin. They wish to know their fate, and no longer to be kept in suspence. Let their claims then be decided at once; and if gentlemen are ready to say they shall not be indemnified for losses which but for the renunciation of the treaty they would have been indemnified for by France, let them say so. It is known that France would have indemnified for these losses but for the treaty. The most respectable letters have been received from France to this effect; and Mr. R. said the fact was within his own personal knowledge.

Under these circumstances the claims ought to be taken up, and decided upon speedily. If the gentleman was serious in naming so late a day, the House must be troubled with the calling of the Yeas and Nays; as it was impossible to expect that any thing that would be effectual, could be done after the first of March, as all the measures adopted by the House required the concurrence of the Senate, and the details of a law.

Mr. R. Williams said he never permitted himself to propose any thing to that House in which he was not serious. He was serious in his belief, that if his motion should be adopted, there would be full time allowed for an investigation of the subject. He was in favor of the distant day he had named, inasmuch as he was convinced it would protect the House from the unnecessary consumption of a great deal of time, and which, if taken up now, would interfere with the transaction of much important business. Full time would still be allowed to decide the question of indemnity. He did not know that more was required this session by any body. He had not heard any member say that a law would be necessary this session. All that was required was a decision preparatory to a law. In his opinion, this was an improper time to discuss the merits of the subject; he should therefore, make no reply to observations of this nature, which he thought had been improperly offered at this stage of the business.

Mr. Bayard said he had fallen into the same mistake with his honorable friend from South-Carolina in considering the gentleman from North-Carolina as not in earnest in the motion he had made. He had not thought him serious, as the day named by him was so late as not to allow time sufficient for a fair discussion. The gentleman was not a new member and his experience could tell him how imperiously the House were occupied during the two or three last days of its sitting, in detail indispensably necessary to complete business already begun. He had seldom known the close of a session when it had not been necessary to set on Sunday or till midnight. How then could it be expected that at such a period even the semblance of justice could be done to the subject? Whereas if it were earlier attended to, they might consult their own convenience. If it happened, as had heretofore been the case, that they had more time than they knew what to do with, a much earlier day could be fixed on. But should the subject be postponed till the first day March, it might be said if the House should not then go into committee on it that a day so late had been named with a view of deferring the subject to the next session. While if the House, actuated by magnanimity and justice should go into its consideration, it would put it in the power of a minority, or even a few members, to prevent the transaction of other important business. Mr. B. sayed he would not pledge himself; but he rather thought the subject could be discussed in the course of one day.

The gentleman from Pennsylvania had mistaken him on the point of conscience. This was not astonishing as that gentleman often made mistakes. He had said nothing about the conscience of that gentleman, as he knew nothing about it. He had asked whether gentlemen were unwilling to trust themselves, lest their own consciences should compel them to an act of justice. This was all he had said, and it had not been said with any view to impeach the conscience of any gentleman on the subject.

Mr. Bacon hoped this business would be so conducted as to shew a disposition on the part of the house to meet these claims on honorable and fair principles, and so as to manifest no indisposition to a fair and full discussion. It was undoubtedly a serious question. There were a number of respectable characters interested in the decision—respectable, because citizens of the United States.—He hoped their claims would be treated with all the candour and liberality they had a right to expect. He apprehended that two or three days were not sufficient, amidst the croud of other business at the end of a session, for a fair and full examination. He should therefore vote against the motion.

Mr. Dowson hoped the motion would prevail. A resolution in a great measure similar to that now proposed by the gentleman from Delaware had been offered some time since by a gentleman from New York. It was moved to refer that motion to a committee of the whole and negatived; afterwards a motion was made to refer it to a select committee, which was also negatived. He did conclude from these decisions that a majority of the House were not disposed to discuss the merits of the question this session. He believed this was still the sentiment of the majority, who considered the subject as not yet ripe for decision. He, therefore, thought the taking it up at an early day would only serve to waste time.

Mr. Gregg said that so far as his mind was made up, he was against the claim; but he was, notwithstanding an favor of a full discussion of it. The subject had been attended to. The committee appointed last session had gone into a laborious investigation of it; and had made a report containing very important statements and facts. He wished the consideration to be so far delayed, as to allow time for the printing of this report. He was against a postponement to the first first day of March; but thought the second Monday in February would answer.

Mr. Thatcher said he felt gratified at the House manifesting more liberality in giving an opportunity now to discuss the subject than had been manifested before. Attempts made during the last session to discuss the subject had ended in nothing. This session, when the gentleman from New York (Dr. Mitchill) had offered a resolution, it had been negatived. The motion of the gentleman from Delaware (Mr. Bayard) to take up the present resolution had also been negatived. But now a considerable majority were for taking it into consideration. He was, however, surprised at the motions for making the consideration of the subject the order of the day for the 1st & 3d of March, as they would in effect frustrate all discussion from the press of other business. The subject was of infinite importance, millions depended upon the decision. The merchants were anxious to know the result. A state of suspence was, of all states, the most painful to them. Why then put off the decision of a claim in his opinion just, and to which the House ought not to shut their ears?

Mr. Eustis said whatever may have been the intention of the mover to postpone to the 1st of March, and of the intentions of gentlemen on this or any of ther occasion, he had no disposition to enquire—the tendency of the postponement will be to preclude a deliberate discussion. Those more conversant with the course of business knew better than he did, the pressure of business which necessarily crouded the last days of a session; and he was more averse to the motion from the avowal of an honorable gentleman from Virginia (Mr. Dawson) who had risen to support the motion, and avowed his principal reason to be a conviction that the present Congress ought not to take any decisive measures on the subject of the claims. He differed widely from that gentleman. Independently of the magnitude and extent of these claims and of the situation of the concerned, the house were called upon by a sense of public duty to bestow upon them a cool and deliberate consideration, which on ordinary occasions was extended to applications of an individual and inferior nature. The common course of business brings this subject to view. It will be recollected that at the last session of Congress, the memorials of the claimants were referred to the consideration of a select committee. That committee reported a state of facts, and closed their report with the following words:

"Upon the whole view of the case, the committee submit it to the House, to determine whether the government of the United States be, in any respect bound to indemnify the memorialists; and whether there be any ground for discrimination between the cases of losses sustained before the acts of the 28th of May, 1798, the 7th of July, 1798, & the 9th of July, 1798; and cases of losses sustained after those periods."

From the late day of the session in which this report was made, no order was taken on it, no discussion was had. By this part of the report facts are offered for consideration; data are furnished; a discrimination, in point of time and of course in point of merit, is made; and the final determination is submitted to the house.

A sense of justice to the memorialists and a strong sense of public duty require that we meet the question and come to a decision. Those who appear already to have judged the question may possibly see in the statements which have been made and the arguments by which the claim shall be supported, reasons to alter their opinions. In any event and especially after a discussion, in case of an adherence to those opinions they appear already to have formed, if they fail to produce conviction on others, the reasons on which they ground these opinions may be useful to the house, and will accompany and justify the vote they shall finally give. When the question shall be decided (and I hope it will be in favor of an earlier day than that moved for) I shall move that the report of the committee of the last winter shall be referred to the committee of the whole, together with the resolution under consideration. It will be also proper at that time to give a second reading to the memorials which have been presented—the grounds on which they rest their claim will be brought again into view, and by giving them a free discussion and consideration we shall be better enabled to come to a just decision. These claims *(like conscience)* are of no party, the misfortune has been indiscriminate, and it is to be expected the final determination will be just.

Mr. Holland advocated a full discussion, and the assignment of an early day.

When the yeas and nays were taken on making it the order of the day for the 1st of March, and were Yeas 74—Nays 18.

On motion of Mr. Bayard it was made the order for the second Monday in February.

The House went into a committee of the whole on the bill to prevent the importation of certain persons prohibited by the states—Mr. *John C. Smith* in the chair.

This bill originated in a petition from the cititizens of Wilmington N. C. and is contemplated to guard, by the imposition of heavy penalties, &c. against the introduction into the United States of brigands from the French West India islands.

The committee progressed in the consideration of the bill, reported progress, and obtained leave to sit again.

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THURSDAY, *February* 3, 1803.

The bill entitled an act supplementary to the act concerning consuls and vice-consuls, and for the further protection of American seamen, was read a third time, and passed.

The House again resolved itself into a committee of the whole on the bill to prevent the importation of certain persons, whose importation is prohibited by certain states, and made certain amendments thereto.

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FRIDAY, *February* 4, 1803.

A message was received from the President respecting certain complaints made of the incompetency of judge Pickering of New Hampshire to discharge the duties of a district judge of the United States.

Referred to a select committee.

On the motion of Dr. Mitchill the memorial of the mechanics and manufacturers of New-York, connected with ship-building and the attendant arts, was ordered to be printed.

The House took up the amendments of the committee of the whole to the bill to prevent the importation of certain persons, &c.

Mr. Hill, in order to accommodate the bill to some gentlemen who had expressed their opinions, moved an amendment withholding its operation until the 1st day of May next.

Mr. Lowndes spoke against this amendment.

Mr. Hill withdrew it.

Mr. Wadsworth renewed it.

The amendment was supported by Messrs. Thatcher, Dennis, S. Smith, Elmendorf, Hastings, R. Williams and Bacon, and opposed by Messrs. Rutledge, Lowndes, Claiborne, Holland and Randolph; and on the question being taken, was lost—Ayes 36—Noes 40.

M. R. Williams then moved to limit its operation from the 1st day of April. Carried—Ayes 40—Noes 37.

After a short debate, the bill was ordered to be engrossed for a third reading on Monday.

City Repository and Auction Room.

Household Furniture, and goods of every description, received for public and private sale, by JOHN GARDINER, *Auctioneer, Pennsylvania Avenue, 4th house west of President's square.*

GARDINER will have an Auction every Thursday at 11 A. M. and sell by private sale other days. This arrangement he trusts will accommodate all who are desirous to sell cheap for cash; and all who are desirous to buy cheap. Those who have goods they wish to part with, can exhibit them at this repository, and those who wish to purchase, by calling, will probably find what they want on easy terms

Variety of House Furniture—some dry Goods—Books—Earthenware—Ironmongery—Carpenters Tools—A Franklin stove &c.&c. now for sale Cheap. J. GARDINER.

Jan. 4th 1803. 1awtf

NOTICE.

HOLDERS of subscription papers for the work entitled, "A Direction, or Preparation to the Study of the Law," will particularly oblige the author by advising him of the number of subscribers obtained before the first day of March.

ROBERT W. PEACOCK, Att'y. at Law

City of Washington, Jan. 28, 1803. 1awtM

FOR SALE.

EXCELLENT Butter in Firkins, Whiskey in Barrels, and Sherry Wine in quarter Casks.

WM. BRENT,

New Jersey Avenue near the Capitol.

WASHINGTON CITY.

MONDAY, February 7, 1803.

Letter from Governeur Morris to the Speaker of the House of Assembly of New-York.

Washington, Dec. 25, 1802.

On the 24th of February last, I communicated to the Senate of the United States, the resolutions which you did me the honor to transmit. On the 3d of May a resolution was brought up from the House of Representatives, embracing the latter part of that which the state of New-York had proposed, viz. That in all future Elections for President, and Vice-President the persons voted for should be particularly designated by declaring which is voted for as President and which as Vice-President.—On the question my vote was in the negative, and had it been otherwise the resolution would have passed.

Having thus stated the facts, it may not be improper to trouble you with some of the reasons which governed my decision.

First—I am opposed to amendments on the general ground, that changing the articles of a constitutional compact lessens that respect for it which is a main support of free governments.

Secondly—I am opposed because it is, generally speaking, better to bear an evil which we know, than hazard those which we are unacquainted with.

Thirdly—I am opposed, because the present mode seems preferable to that which is proposed.

When this article was under consideration in the National Convention, it was observed that every mode of electing the Chief Magistrate of a powerful nation, hitherto adopted, is liable to objection. The instances where violence has been used, and murders committed, are numerous.—Those in which artifice and fraud have succeeded against the general wish and will, are innumerable. And hence it was inferred, that the mode least favorable to intrigue and corruption, that in which the unbiassed voice of the People will be most attended to, and that which is least likely to terminate in violence and usurpation ought to be adopted. To impress a conviction on this subject, the case of Poland was (not unaptly) cited. Great and ambitious Princes took part in the Election of a Polish King; money, threats and force were employed. Violence, bloodshed and oppression ensued. And now that country is parcelled out among the neighboring Potentates—one of whom was but a petty prince two centuries ago.

The evils which have been felt in the present mode of election were pointed out to the convention, but after due advisement the other mode appeared more exceptionable. Indeed if the present be changed, it might be better to abolish the office of Vice-President and leave to legislative provision the case of vacancy in the seat of the first magistrate.

The Convention was aware that every species of trick and contrivance would be practised by the ambitious and unprincipled. It was therefore conceived, that if in elections the President and Vice-President were distinctly designated, there would generally be a vote given for one of two rival Presidents, while there would be numerous candidates for the other office: because he who wished to become President would naturally connect himself with some popular man of each particular district for the sake of his local influence, so that the Vice-Presidency would be but as a mere bait to catch state gudgeons. The person chosen would have only a partial vote, be perhaps unknown to the greater part of the community, and probably unfit for those duties which the death of a President might call on him to perform.

The Convention not only foresaw that a scene might take place similar to that of the last Presidential Election, but even supposed it not impossible, that at some time or other, a person admirably fitted for the office of President might have an equal vote with one totally unqualified, and that by the predominance of faction in the House of Representatives, the latter might be preferred. This, which is the greatest supposable evil of the present mode, was calmly examined, and it appeared that however prejudicial it might be for the moment, an useful lesson would result from it for the future, to teach contending parties the importance of giving both votes to men fit for the first Office. This, Sir, is one great object contemplated by the Constitution, whether it would be obtained by altering the mode of Election deserves a serious attention. The other great object is to defeat the fraud, the force and the corruption, which may be used to place bad men in high authority. After the most mature reflection of which my mind is capable, I am persuaded that the present mode is preferable to that which is proposed in lieu of it, and my voice has been given according to my conviction.

I have the honor to be,

with perfect respect, Sir,

your most ob'd't servant

GOUV. MORRIS.

The Hon. the Speaker of the House of Assembly of the State of New-York—Albany.

REMARKS on the above.

There is little in the above letter worthy of animadversion in any other respect but as it indicates the sentiments of those of whom Mr. Morris forms a unit. It is well understood, that, however great the rhetorical powers of Mr. Morris, he is rarely seen to display a logical talent, or to avail himself of the ordinary substitute of a good mind, strong common sense.

The notice, therefore, proposed to be taken, is not to enter the field of argument, but to mark the sentiments entertained and avowed by federal men.

In the *first place*, it will be observed that without an apology, the Senator avows his disobedience to the instructions of that body whose political organ he is. It has been heretofore doubted by federal men, whether in the character of *representatives of the people*, they were under a moral obligation to follow their instructions. But it is believed that this is the first instance in which a Senator, the representative of a state, has denied the obligation to comply with the instructions of those who gave him political existence. Let it not be said that the arguments for discretion are as strong in one case as the other. No such thing. The people cannot easily concentrate their opinions; they cannot as a collective body deliberately form them; and the expression of their opinions, when formed, cannot be made in such a way as to remove all doubts of the accuracy of it. Whereas a state legislature can deliberately form an opinion, and can unerringly express and impart it. Such, in truth, was the case in the very instance which occasions these remarks. Yet, notwithstanding this unequivocal expression of the will of the legislature, whose organ, it was intended by the Constitution, Governeur Morris should be, he has, without an apology, not only withheld his co-operation in an important measure that he was instructed to support, but, has, in the face of that instruction, voted against it, and by his vote frustrated its adoption. In vain will he assert his right to an independent exercise of his own judgment. If the loftiness of his mind disdained to interpret faithfully the will of his constituents *he might have resigned*; and in that case the amendment to the constitution would have been carried.

In the *second place*, in assigning the reasons of his vote, he says, "I am opposed to amendments on the general ground, that changing the articles of the constitutional compact lessens that respect for it which is a main support of free governments."

There cannot be a sentiment more treasonable to the true spirit of a genuine republican government. Had it been applied to despotic governments, it would have been correct. In those governments, the offspring of the accumulated corruption of ages, time and the character of immutability confers a sanction. Why? Because the accumulation of corruption perpetually confers additional power on those who govern; and the mass of the people, not in the habit of investigating the measures of their rulers, ignorantly infer that what was done yesterday ought to be done to day. While the intelligent and independent members of society, if any such there be in such governments, perceiving the inevitable tendency of bad to worse, resist this effect by the only means of which they are not deprived, the veneration entertained by the people for the measures of their ancestors.

But, because these are the dogmas of slaves, does it follow that they ought to be adopted as the maxims of freemen? If their existence in tyrannies prove any thing, does it not prove that, however congenial they may be to the soil that produced them, they are exotics here?

Let such sentiments then, come they from whatever quarter, be held up to the reprobation of freemen; who respect their constitution, not because framed ten centuries ago, but because it is adapted to the existing state of the people governed by it, and because its wholesome and liberal provisions promote their happiness. The instant any provision of that instrument ceases to have this effect, that instant it should be changed. Thus, and thus only, will it continue to be, as it now is, the admiration of the wise and the protection of the virtuous.

Much more remains to be said on the heterodox opinions of Mr. Morris, and if time and room allow it shall be said.

Cincinnati, 30th of Dec. 1802.

To ARTHUR ST. CLAIR, *sen. Esq.*

SIR,

Had I alone been implicated in your letter of the 21st of this month, to the Secretary of State, I should have passed it over in silence; because the misunderstanding between you and myself, to which you allude in that letter, had already been made, by you, the subject of a newspaper discussion, in which you complained of me, to the people of Hamil-