(XLVth YEAR.) THE (No. 22[illegible].)

MARYLAND GAZETTE.

THURSDAY, FEBRUARY 4, 1790.

Proceedings of Congreſs.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

MONDAY, *January* 18.

A PETITION of James Hubbs, of the ſtate of New-Jerſey, mariner, was preſented to the houſe and read, praying a relief from a proſecution commenced againſt him at the ſuit of the United States, for neglecting to deliver manifeſts of goods tranſported from one diſtrict in the ſame ſtate to another, according to law, of which he was totally ignorant.

Ordered, That the ſaid petition, together with the memorial of John Cochran, preſented on Friday laſt, be referred to the ſecretary of the treaſury.

A petition of —— Dobbyns, of the kingdom of Ireland, praying that congreſs may grant him a tract of land on ſuch reaſonable terms as may encourage him to bring ſettlers to this country, was read and referred to Mr. Page, Mr. Scott and Mr. Partridge.

Mr. Foſter, from the committee appointed, preſented, according to order, a bill providing for the actual enumeration of the inhabitants of the United States, which was read the firſt time.

TUESDAY, *January* 19.

Mr. Ames, Mr. Wadſworth and Mr. Sturges, reſpectively introduced a number of petitions, which were read and laid on the table, viz. of Nathan Fuller, John Holbrook, Ruth Roberts, Jeremiah Ryan and Samuel Cravath, praying the interpoſition and relief of congreſs in ſundry loſſes, depreciation, &c. alſo the petition of Benjamin Bird, ſtating the loſs of a pocket-book in the year 1781, in which were eight continental certificates, and praying that new certificates in his favour, in lieu thereof, may be iſſued from the loan-office in Maſſachuſetts.

The bill providing for the actual enumeration of the inhabitants of the United States, was read a ſecond time; this bill provides, that the buſineſs ſhall be ſpecially committed to the marſhals of the ſeveral diſtricts, who under oath are to make returns of their proceedings to the preſident of the United States—for which ſervices they are to receive a ſtated compenſation, proportioned to the extent of their reſpective diſtricts.

Voted, That this bill be taken into conſideration on Friday next—and that 100 copies be ſtruck off for the uſe of the members.

Mr Sedgwick, of the committee appointed to bring in a bill for making proviſion for perſons employed in the intercourſe between the United States and foreign countries, informed the houſe that the committee had no doubts reſpecting the object of the houſe in the reſolution appointing the committee, whether the idea was to make proviſion for perſons now employed in the public ſervice—or whether the deſign was to extend the proviſion to appointments of ſuch different grades, as in the judgment of the preſident of the United States may be neceſſary—and requeſted further inſtructions from the houſe.

It was obſerved, that, from the ſpirit of the reſolutions, upon which the ſubject was taken up, it was evident that it was underſtood the matter ſhould come generally before the committee——But as this intricate buſineſs involved a great variety of queſtions, on which the houſe could not determine with ſo much preciſion, as they could from the information which may be received from the ſecretary of ſtate, reſpecting the arrangements neceſſary to be made previous to making the proviſion, it was moved that the committee ſhould be diſcharged.

This motion was objected to, as it is neceſſary that proviſion ſhould be made for thoſe perſons now employed: the preſident is veſted, by the conſtitution, with power to make ſuch appointments as he may think neceſſary—All that the houſe have to do is, to make ſuch proviſion as may appear proper: the legiſlature may at any time check an exceſs in ſuch appointments, by withholding ſupplies for their ſupport—That it is evident, from the tenor of the preſident's ſpeech, that he expects the legiſlature ſhould go into a full conſideration of the ſubject—and in the bill make the neceſſary arrangements of the ſeveral officers which it may be proper to employ, and the proviſion proper for the ſeveral grades—the neceſſity of the reſpective appointments muſt be determined by the preſident with the advice of the ſenate.

The queſtion for diſcharging the ſelect committee was put, and negatived.

It was then moved, that the committee be inſtructed to make proviſion in the bill for the compenſation of thoſe perſons now employed, or that may be employed, in the intercourſe between the United States and foreign nations.

Mr. Partridge obſerved, that there is a reſolve on the journals of the late congreſs, providing that no foreign miniſter, higher than a miniſter plenipotentiary, ſhould be appointed. Whether that reſolution is now in force he would not pretend to determine; but he ſuppoſed that the houſe was not then prepared to determine upon eſtabliſhing a diplomatic corps of ambaſſadors, miniſters plenipotentiary, envoys, &c.

Mr. Boudinot advocated the motion for referring the whole buſineſs to the committee, as the houſe, in the diſcuſſion of their report, would be able to come to more adequate deciſions on the ſubject.

The motion was carried in the affirmative.

The committee, on the petition of —— Dobbyns, reſpecting lands, reported, that the ſecretary of the treaſury be empowered to locate to the petitioner a tract in the weſtern territory, within certain limits.

The petition of Chriſtopher Saddler having been referred to the ſecretary of the treaſury, the following report was received this day:

Treaſury Department, January 19, 1790.

In obedience to the order of the houſe of repreſentatives of the 11th inſtant, referring to the ſecretary of the treaſury the petition of Chriſtopher Saddler, the ſaid ſecretary

Moſt reſpectfully reports,

That except the letter from the collector of the diſtrict of Boſton and Charles-town, accompanying the petition, there is no evidence immediately within reach, reſpecting the ground of the application for relief.

That though that letter is entirely ſatisfactory to the mind of the ſecretary, that the affair is of a nature to entitle the petitioner to relief, yet he does not conſider it as ſuch a document, as in point of precedent, would juſtify the interpoſition of the legiſlature to grant it.—The ſecretary will therefore take meaſures for a more regular authentication of the nature of the tranſaction, and will ſubmit the reſult. To this there is the further inducement, of its being neceſſary to aſcertain whether the perſons who may be intereſted in the forfeiture, are diſpoſed to relinquiſh their right.

The ſecretary, however, begs leave to avail himſelf of the occaſion, to repreſent to the houſe, that there are other inſtances which have come under his notice, in which conſiderable forfeitures have been incurred, manifeſtly through inadvertence and want of information—circumſtances which cannot fail to attend the recent promulgation of laws of ſuch a nature—and ſeem to indicate the neceſſity, in conformity to the uſual policy of commercial nations, of veſting ſome where, a diſcretionary power of granting relief.

That neceſſity, though peculiarly great, in the early ſtages of new regulations, does not ceaſe to operate throughout the progreſs of them.—There occaſionally occurs accidents from which heavy and ruinous forfeitures enſue, that require the conſtant exiſtence of ſome power capable of affording relief. The proper inveſtment of ſuch a power is a matter of too much delicacy and importance to be determined otherwiſe than upon mature deliberation.—Yet the ſecretary begs leave to ſubmit to the conſideration of the houſe, whether a temporary arrangement might not be made with expedition and ſafety—which would avoid the inconvenience of a legiſlative deciſion on particular applications. All which is humbly ſubmitted.

ALEXANDER HAMILTON,
Secretary of the Treaſury.

On motion, this report was referred to a committee, conſiſting of Mr Ames, Mr. Sturges, Mr. Stone, Mr. Griffin and Mr. Wynkoop.

Mr. Wadſworth introduced the following reſolution—That the ſecretary of the treaſury be directed to lay before the houſe ſuch information as he may have obtained reſpecting any difficulties which have occurred in carrying the ſeveral laws for the collection of duties on goods, wares and merchandiſe—impoſing duties on tunnage, and regulating the coaſting trade, into execution, and to report his opinion thereon. Adjourned.

WEDNESDAY, *January* 20.

Sundry petitions were read from C. Hoffman, of Weſt-Cheſter county, from —— Ryan, and others, invalid ſoldiers.

The report of the committee to whom had been referred the petition of —— Dobbyns was read, and debated, whether it ſhould be referred to the ſecretary of the treaſury to report thereon, and reſpecting a uniform ſyſtem for the ſale of the lands in the weſtern territory of the United States, what credit and on what terms, &c. A variety of ſentiments prevailed amongſt the members; and Mr. Scott, Mr. Stone, and others, ſpoke upon this ſubject, and amendments were propoſed, &c.

Mr. White wiſhed to encourage emigration, and ſaid, if none but natives were to ſettle upon the weſtern territory it would be very long before it would be peopled. That although he wiſhed for a regular and general plan to be formed, yet he thought no material danger would ariſe from paying attention to the particular application of Mr. Dobbyns; he was therefore for referring his petition to the ſecretary of the treaſury, to treat with him in the ſale of ſome land, &c.

Mr. Boudinot was againſt any amendments, and although he was in favour of ſelling the lands, yet he wiſhed for a ſyſtematic plan. The ſecretary of the treaſury might converſe with Mr. Dobbyns, and enter into propoſals. He wiſhed the ſecretary to report.

Mr. ——— ſaid there were ſome contracts with the Indians which muſt be ſettled, and he wiſhed to get the ſecretary's report upon this buſineſs, as well as on the buſineſs of the ſale of the lands.

Mr. Sedgwick was for a uniform plan for the diſpoſal of the lands of the United States.

Mr. Page thought it in ſome degree improper for the ſecretary to report in the form and manner which had been mentioned:—He made ſome other remarks, but ſpoke ſo low as not to be heard diſtinctly.

Mr. Stone ſaid, if the ſecretary of the treaſury was obliged to report upon this kind of buſineſs, he might as well open a land-office, &c.

Mr. R. B. Lee wiſhed to leave a diſcretionary power with the ſecretary, in the mode of treating with purchaſers as to credits and payments.

Mr. Sherman ſaid, he was fond of encouraging foreigners, and yet there ſeemed to be ſome danger of doing it in too ſudden a manner; he therefore wiſhed, that whatever was done ſhould be gradual. He thought that it might anſwer a good purpoſe, if the ſecretary was to divide the lands in queſtion into townſhips.

Mr. Baldwin ſaid, he thought the houſe of repreſentatives not a very proper body to arrange this buſineſs—the executive officers of government, the perſons who were poſſeſſed of the proper documents of information, &c. He then read ſundry reſolves of the old congreſs in October, 1787, wherein the board of treaſury were empowered to enter into treaties with purchaſers; and in caſes where credit was given, the purchaſer received a right to the lands, but not a deed.—He alſo read the reſolve of the 28th Auguſt, 1788. where ſeven equal payments are mentioned. He had no objection to refer the buſineſs to the ſecretary of the treaſury from the houſe; but thought it informal to refer the report of a committee to any officer of the government.

Mr. Boudinot quoted inſtances wherein the old congreſs had followed this practice.

Mr. Page hoped the ſecretary would be authoriſed by law, to treat with purchaſers.

Mr. White ſaid ſomething about informality, and then the queſtion for amendments, being put by the ſpeaker, was loſt.

Mr. Baldwin now moved, that the report of the committee be laid upon the table.

Mr. R. B. Lee hoped that foreigners would be encouraged to emigrate, and uſeful citizens adopted.

Mr. Sedgwick ſaid, that whatever might have been his own private opinion, he would now, from experience, be for ſhutting the door againſt all particular applications. It would be impoſſible, he ſaid, to attend to the innumerable applications that might be expected to follow, if the petition of any individual was to employ the time of the legiſlature. There could not be any great inconvenience from a little delay. He was therefore for digeſting a regular ſyſtem, and not for determining in any particular caſe until that was done.

Mr. White ſaid, it was to our advantage to ſhew every wiſh to encourage foreigners, and he ſaw no danger that could follow from a particular attention to the petition of Mr. Dobbyns. He obſerved, that the inhabitants of the United States derived many of their opinions and ſentiments reſpecting government and liberty, from Great-Britain and Ireland; he had no doubt but that, in the courſe of this ſeſſion, an uniform ſyſtem would be eſtabliſhed; and therefore it could not be attended with any injurious conſequences to indulge Mr. Dobbyns in the preſent inſtance.

Mr. Sherman thought it would be the moſt ſpeedy method of deciding the affair, to refer the report of the ſelect committee to the ſecretary of the treaſury; but it was at length decided, that the report be laid on the table.

It was next moved, to read the report of the ſecretary of war, on the petition of Charles Martin, formerly a captain in the army of the United States, who had ſerved till 20th October, 1780. The ſecretary reported, that the ſaid Martin had got a certificate, dated 19th of February, 1782, from the war-office, and was entitled, with other officers, to half pay for his life. It did not therefore appear to the ſecretary of war that any new deciſion, or act of the preſent congreſs, was neceſſary, unleſs they ſhould counteract the acts of the old congreſs.

The ſpeaker then propoſed to take the ſenſe of the houſe: but Mr. White obſerved, that it was not neceſſary, as the ſecretary had already reported, that this houſe had nothing to do in the matter, unleſs they choſe to counteract the reſolves of the old congreſs.

Mr. Wadſworth ſaid, the commiſſioners of army accounts were the proper perſons to decide upon theſe caſes.

Mr. Sherman and ſome other members ſpoke, but the buſineſs was dropped, without taking the ſenſe of the houſe.