

FOR THE AMERICAN.

TO THE EDITORS,

ANNAPOLIS, NOV. 24, 1804.

Gentlemen,
A GARBLLED publication has appeared in your paper of the proceedings of the House of Delegates of Maryland, in which the yeas and nays are stated, and the question on which they were taken, is omitted. So unusual a procedure, exclusive of the unwarrantable remarks subjoined, can only tend to mislead the public mind. A true statement of the proceedings of the Legislature, where they are stated at all, is a sacred duty of the press in a free government: to enable you therefore to exhibit them fairly, (which I am persuaded is your wish) you are now furnished with an authenticated copy of the report of the committee, which was confirmed by the majority, as appears by the list of yeas and nays, you have published, and which it is hoped and expected will be republished with the report.—To those who sincerely believe that two and two make four, all comments on this document will be found unnecessary.
A MEMBER
OF THE LEGISLATURE.

The committee, to whom was referred the resolution to enquire, whether any and what measures have been taken to carry into effect the resolution of the last session of the Legislature, directing the investment of the instalment of forty thousand dollars, due from the United States, in reserved shares of the Bank of Baltimore,
REPORT,

That, by a certificate from Benjamin Harwood, treasurer, it appears, that the interest on the loan of two hundred thousand dollars, to the United States, in virtue of the act of congress passed on the sixth day of May, seventeen hundred and ninety six, and of the resolutions of the General Assembly of Maryland, passed at November session, seventeen hundred and ninety six, and seventeen hundred and ninety seven, have been paid into the treasury of the state of Maryland up to the first day of October, eighteen hundred and four it being the interest due to the said state upon said loan up to that time.

It further appears to your committee, that no instalment of the principal of said loan has yet been received into the treasury of the state of Maryland in this present year, it being directed by the said act of congress that the said loan "shall be reimbursable at any time after the year one thousand eight hundred and three, by instalments, not exceeding one fifth of the whole sum borrowed in any one year"

It further appears to your committee, that in pursuance of the said resolutions of seventeen hundred and ninety six and seventeen hundred and ninety seven, bonds have been passed by Gustavus Scott, William Thornton and Alexander White, as well in their official capacities as commissioners of the City of Washington, as also in their private capacities, conditioned for the reimbursement of the loan, pursuant to the provisions of the said act of congress and the aforesaid resolutions.

It further appears to your committee, that by the act of congress abolishing the office of commissioners of the City of Washington, and for the appointment of a superintendent, passed on the first day of May eighteen hundred and two, so many of the lots pledged for the payment of the loan of two hundred thousand dollars are directed to be sold by the superintendent, under the direction of the president, as may be sufficient to pay the interest already on said loan, and the interest and instalments thereof as they may become due, with a proviso, that if, in the opinion of the president, a sufficient number of said lots cannot be sold to meet the object without an unwarrantable sacrifice, so much money as shall be necessary to make up the deficiency shall be appropriated and paid out of the treasury.

It further appears to your committee, that at November session eighteen hundred and three, a resolution passed the Legislature, on the seventh of January, eighteen hundred and four, making provision for the instalment of the first instalment of the said loan of two hundred thousand dollars, which was stated by the said resolution to become due, during the then current year, in reserved shares in the Bank of Baltimore.

It further appears to your committee, that no demand of the first instalment of the said loan has been made by the executive, because, by the provisions of the act of congress of seventeen hundred and ninety six, it is not yet demandable, and will not become due until the close of the present year, and that a demand of said instalment, by the executive before the first day of January, eighteen hundred and five, would have been premature and unauthorized.

By Order,
LOUIS GASSAWAY, Clk.

On the question "the house concur with the preceding report of the committee." The yeas and nays being required, were as follow:

YEAS.
Messrs. Alexander, Messrs. Chapman, Ayres, Berry, Bond, Bowles, Brown, Claggett, Clark, Cokey, Contee, Hall, Harryman, Harnetion, Hawkins, Ireland, Lemmon, Lowrey, Mackall, R. Mackall, Meloy, Miller, Montgomery, Moore, Pridcaux, Scott, Somerville, Stanbury, Stephen, Thomas, Tillotson, B. Tomlinson, Veazy, Waters, Williams, Yates—35.

NAYS.
Messrs. Darney, Eccleston, Ellicott, Ennalls, S. Frazier, Goldsbrough, Handy, Harwood, Hebb, Hyland, Jackson, Lithicum, Mercer, McPherson, R. Neale, W. Neale, Parham, Selby, Shaaff, Sturges—21.

So it was resolved in the affirmative.
The following are the remarks alluded to in the above communication:

"The report upon which the foregoing yeas and nays were taken, was the report of the committee, appointed under a resolution moved by a certain member from Anne Arundle county, to enquire into the measures taken to obtain from the general government, an instalment of forty thousand dollars, arising due in the year eighteen hundred and four, on the loan made to the late commissioners of the City of Washington, of two hundred thousand dollars; which instalment in the event of its being paid was to be vested in bank shares under a resolution of last session. This enquiry, the member avowed, upon the floor of the house; was designed to implicate the executive. The enquiry was made by the committee, and it resulted as it appears by the yeas and nays taken on the question, most favorably and honorably to the functionaries of our government."

From the NATIONAL INTELLIGENCER,
TO THE PEOPLE.

THE DEFENCE—No. XVIII.

(Subject of Foreign Relations, Continued.)
But fortunately neither the dignity of the government nor the interests of the people required, in this case, a resort to arms.

Let it be recollected that the dignity of the government was, in no small degree, propitiated by the assurance of the agents of Spain and France, that the act of the Intendant was unauthorized, and that there existed the strongest reason to expect its disavowal. Let it also be recollected that the specific course of explanation and negotiation was already commenced. To have used force, before time had been allowed for explanation, would have been not only an abandonment of the course taken by the American government, but would have exposed her to the reproach of violated faith. It would have been sad, and justly too, that the pending negotiation covered a treacherous design to attack an ally in the unsuspecting moments of security, which we, in commencing the negotiation virtually promised.

The dignity of the American government is founded exclusively and entirely on the promotion of the interests of the people. We shall not therefore, draw any distinction between them, by considering them apart—They are one and the same. Good advice, even from an enemy, should not be disregarded. The advice of Hamilton, given during the discussions arising out of the British treaty, is full of wisdom, so far as it impresses the importance of preserving peace. There is, it is true, no novelty in it. The same sentiments are to be found in the writings of every good civilian; but we prefer quoting him, in order to shew that we are not swayed by party motives. If we were, we should recur to other authorities. Among a great deal, said on this occasion, he observes:

"When one nation has cause of complaint against another, the course marked out by practice, the opinion of writers, and the principles of humanity, the object being to avoid war, is to precede reparations of any kind, by a demand of reparation. To begin with reprisals is to step on the ground of war and puts the other party in a condition not to be able to recede without humiliation."

"Few nations can have stronger inducements than the United States to cultivate peace. Their infant state in general—their want of marine in particular, to protect their commerce, would render war in an extreme degree, a calamity. It would

not only arrill our present rapid progress to strength and prosperity, but would probably throw us back into a state of debility and impoverishment, from which it would require years to emerge. Our trade, navigation, and mercantile capital would be essentially destroyed. Spain being an associate with Great Britain, a general Indian war might be expected to deloliate the whole extent of our frontier—our exports, obstructed, agriculture would of course languish; all other branches of industry would proportionably suffer; our public debt instead of a gradual diminution would sustain a great augmentation, and draw with it a large increase of taxes and burthens on the people."

"It was therefore in a peculiar manner the duty of the government to take all possible chances for avoiding war. The plan adopted was the only one which could claim their advantage."

"To precipitate nothing, to gain time by negotiation, was to leave the country in a situation to profit by any events which might turn up tending to restrain a spirit of hostility with Great Britain, and to dispose her to reasonable accommodation."

"By taking the ground of negotiation in the attitude of preparation for war, we at the same time carried the appeal to the prudence of the British cabinet, without wounding its pride, and to the justice and interest of the British nation, without exciting feelings of resentment."

"This conduct was calculated to range the public opinion of that country on our side, to oppose it to the indulgence of hostile views in the cabinet, and in case of war, to lay the foundation of faith and dissatisfaction."

"But one of the most important advantages to be expected from the course pursued, was the feeling of unanimity among ourselves, if, after all the pains taken to avoid war, it had been forced upon us."

"As on the one hand, it was certain that diffidence and discontent would have embarrassed and enfeebled our exertions in a war produced by any circumstance of intemperance in our public councils, or not endeavored to be prevented by all the milder expedients usual in similar cases. So, on the other, it was equally certain, that our having ineffectually exhausted these expedients, would cement us into a firm mass, keep us steady and preserving amidst whatever vicissitudes might happen, and nerve our efforts to the utmost extent of our resources."

"This union among ourselves, and disunion among our enemies, were inestimable effects of the moderate plan, if it had promised no other advantage."

"But is it unimportant to the real friends of republican government, that the plan pursued, was congenial with that pacific character which is ascribed to it? Would it have been more desirable that the government of our nation, outstripping the war maxims of Europe should, without a previous demand or reparation, have rushed into reprisals, and consequently into war?"

"However this may be, it is a well ascertained fact, that our country never appeared so angust and respectable as in the position which it assumed upon this occasion. Europe was struck with the dignified moderation of our conduct, and the character of our government and nation acquired a new elevation."

"To underestimate our just importance would be a degrading error. To overstate it may lead to dangerous mistakes."

"A very powerful state may frequently hazard a high and naughty tone with good policy, but a weak state can scarcely ever do it without imprudence. The last is yet our character, though we are the embryo of a great empire. It is therefore better suited to our situation to measure each step with the utmost caution, to hazard as little as possible, in the cases in which we are injured, to blend moderation with firmness, and brandish the weapons of hostility only when it is apparent that the use of them is unavoidable."

"It is not to be inferred from this that we are to crouch to any power on earth, or tamely to suffer our rights to be violated. A nation which is capable of this meanness, will quickly have no rights to protect, or honor to defend."

"But the true inference is, that we ought not lightly to seek or provoke a resort to arms; that in the differences between us and other nations we ought carefully to avoid measures which tend to widen the breach; and that we should scrupulously abstain from whatever may be construed into reprisals till after the fruitless employment of all amicable means has reduced it to a certainty that there is no alternative."

"If we can avoid war for ten or twelve years more, we shall then have acquired a maturity, which will make it no more than a common calamity, and will authorize us in our national difficulties to take a higher and a more imposing tone."

"This is a consideration of the greatest weight to determine us to exert all our prudence and address to keep out of war as long as it shall be possible, to defer to the late of a struggle to which infamy is ill adapted. This is the most effectual way to disappoint the enemies of our welfare, to pursue a contrary conduct may be to play into their hands, and to gratify their wishes. If there be a foreign power which sees with envy or ill will our growing prosperity, that power must discern that our

infancy is the time for clipping our wings. We ought to be wise enough to see, that this is not the time for trying our strength."

"Should we be able to escape the storm which at this juncture agitates Europe, our disputes with Great Britain terminated, we may hope to postpone war to a distant period. This, at least, will greatly diminish the chances of it. For then there will remain only one power with whom we have any embarrassing discussion. I allude to Spain, and the question of the Mississippi; and there is reason to hope that this question by the natural progress of things, and perseverance in an amicable course, will finally be arranged to our satisfaction without the necessity of the dernier resort."

"Citizens of the United States of America! as you value your present enviable lot, rally round your own good sense! expel from your confidence, men who have never ceased to misadvise you! Discard intemperate and illiberal passions! Aspire to the glory of the greatest triumph which a people can gain, a triumph over prejudice! Be just, be prudent! Listen impartially to the unadulterated language of truth! And above all guard your peace with anxious vigilance against all the artful snares which are laid for it!"

The greater part of the principles laid down by Mr. Hamilton are general, and of course applicable to most cases—Where this is not the case, there is to clove an analogy between the grounds of our difference with England, and those with Spain and France, that what is said in the one is no less applicable to the other; with this variation, that the inducements to a pacific course were much stronger in the latter than in the former case; as the injury of which we complained in the one case was trifling compared with those experienced in the other. In our controversy with England, our grounds of complaint were a most extensive depredation on our trade, the insolent imprisonment and indignity offered to our seamen, and the detention, by force of arms, of the western posts, seated in the midst of our country. In the last case, we complained of but one act, which though it invaded an important right, was not so extensively injurious as the British depredations, and did not excite those strong feelings which the invasion of our soil, more than any other cause, must always enkindle.

For the adjustment of our differences Mr. Munroe was specially dispatched to Europe, and particular instructions given to Mr. Livingston.

Ever proved the wisdom of the pacific measures of the administration; for on the 30th day of April 1803, a treaty was formed with the French republic, not merely restoring the right of deposit, not merely giving us the sovereignty over New Orleans, but ceding for fifteen millions of dollars the whole province of Louisiana. So far as this measure tended to insure peace it was complete; and it is of itself would have been an ample compensation for the purchase money. But it must not be overlooked that two serious grounds of dissatisfaction with the French government were also eradicated by this treaty—that arising from spoliations upon our trade, and that from our violatd rights on the Mississippi. The continuance of either of these might have constituted the germs of war, and certainly would have disturbed a state of amity between the two nations.

It has been alleged by the envy of the opponents of the administration that for this great event we are not indebted to the wisdom of the cabinet, but to the accidental circumstance of a war between France and Great Britain. But even, allowing that this event greatly contributed to recommend to France the cession, which, however, is far from appearing, are we warranted in affirming that the administration did not reckon upon war between France and England as a probable event? Is it not extremely probable that at the time the treaty was formed, information, possessed by them but not by the public, justified them in viewing it as an event almost certain?—The same spirit of envy, in ascribing exclusively to Mr. Livingston, the merit of the treaty, has attempted to depreciate the services of the President and secretary of State. But of what consequence is it to the nation whether the treaty emanated directly from the chief Executive, or from his confidential organs? Is it required by the theory of our government that the former shall himself discharge all executive duties? Is it possible? And does he not fulfil all his duties by either doing himself, or through others appointed by him, whatever the constitution and laws require? The facts, however, are, that the Mississippi navigation has steadily commanded the attention of the Executive, and that the securing it has long occupied the deliberations of the cabinet. By what means, it was intended to accomplish this effect, has not appeared. What were the instructions given to Mr. Pinckney, or to Messrs. Livingston and Munroe, is unknown to the public. With what degree then of justice can it be said, while those circumstances are unknown, that the President deserves no credit for the treaty.

The presentation of this treaty to Congress at the ensuing session may be considered as establishing a new political era. Hitherto the Executive had claimed a entire command, in participation with the Senate, every the treaty-making power. On one memorable occasion, the House

of Representatives had made a stand against this claim, but the Executive, so far as depended upon him, firmly repelled it. On this occasion the Chief Magistrate unequivocally declared to each branch of the Legislature his opinion that the full ratification of the treaty depended on the joint co-operation of both branches. When we reflect on the vast importance of this power, which from its very nature scarcely admits of constitutional restraint, we cannot too highly appreciate the republican moderation of the man who renounced what he considered dangerous to liberty.

CURTIUS,
(Subject of Foreign relations to be continued.)

Congress

OF THE

United States of America.

HOUSE OF REPRESENTATIVES.

FRIDAY, November 23.

Mr. Richards, from the committee of enrollment, reported the bill making further appropriation for carrying into effect the 7th article of the British treaty; which was thereupon signed by the Speaker.

The chairman of the committee appointed on that part of the message of the president which relates to armed merchant vessels, asked leave of the House to report by bill—Leave being granted—the chairman reported a bill to regulate the clearance of armed merchant vessels.

Referred to a committee of the whole for Monday, and ordered to be printed.

Mr. Holland's motion of yesterday authorizing committees to appoint their own Chairman was considered, and on the question, will the house agree to the same, it passed in the negative, only 33 members voting in its favor.

Mr. R. Griswold moved another resolution on the same subject, giving the committee power to elect their own Chairman if a majority was to be dispensed, if not, that the first named member shall be the chairman, in case of his absence or excuse, then the second, and if neither of these members were present, then the next member named on the list. This motion lay on the table.

However, on motion of Dr. Eastin to dispense with the standing rule of the House; it met an unanimous acquiescence, and the resolution was afterwards modified and agreed to as follows:—

That the first named member of any committee appointed by the speaker or the House shall be the chairman, and in case of his absence or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee shall by a majority of their number elect a chairman.

Mr. Jos. Clay presented the petition of S. C. Osgood of New York, relating his purchase of the Philadelphia built ship, Indoliant, which had been sold in 1797 to merchants in Hamburg, and from the peculiar hardship of the case, he prays, though the laws are against his obtaining a new register, that he may be allowed the same.

Referred to the committee of Commerce and Manufactures.

A letter from Dr. Mitchell, addressed to the Speaker, informing that he had taken his seat in the Senate, to which he had been elected by the legislature of New York, and thereon resigned his seat in the House.

On motion of Mr. J. Randolph, another member in his stead was appointed on the committee of Commerce and Manufactures.

On motion of Mr. Thomas, the Speaker was directed to inform the governor of New York of the resignation of S. L. Mitchell, one of the representatives of that state.

On motion of Mr. Clark, a committee of three was appointed to enquire into the expediency of extending the time for the claimants to lands under the title of Georgia, lying in the state of Tennessee, for registering the evidence of their titles, with the Secretary of State, and that they report thereon to the House.

Mr. Nicholson presented a petition from captain Alexander Murray of the United States Navy, stating that he had recaptured a vessel under Guadaloups, in May, 1800, and sent her, in for adjudication: in consequence of the decision of the supreme court, he was subjected to the payment of 13,397 dollars and 58 cents damages, &c. which he prays he may be exonerated from.

Referred to the committee appointed on captain Little's case.

The following motion of Mr. Rhea of Tennessee, was referred to the committee appointed on so much of the President's message as relates to the annihilation of the government of Louisiana.

Resolved, That it is expedient to provide, by law, for exhibiting and registering in proper offices, in the original language, and in the language used in the United States, all evidences of title, and claim for land within the territories ceded by the French republic to the United States, by the treaty of the thirteenth of April, in the year 1803; which have originated by virtue of any legal grant made by the French government, prior to the treaty of Paris, of the tenth day of February, in the year one thousand seven hundred and sixty three; or of any legal grant made by the government of Spain,