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Congress.

HOUSE OF REPRESENTATIVES.

SPANISH AFFAIRS.

SATURDAY, April 5.

Debate on the motion of Mr. Randolph to amend the Secret Journal, by inserting in it the message of the President of the 6th December.—Concluded from the American of Friday.

Mr. JACKSON. I think it highly probable that a majority of this House will be disposed to take off the injunction of secrecy, not only in this document, but on all their proceedings; that the people may be enabled to judge for themselves whether the representations made from time to time are correct; but I submit whether it is correct in point of order to set in this way. What is the resolution adopted by this House? That the injunction of secrecy, relative to the proceedings, not the messages or other communications, shall be taken off. This is not the proper course to effect the object in view. I, for one, am willing to go into conclave, and have the injunction on the whole taken off. It is not my wish to see the eyes of the people hoodwinked any longer. It has been declared by the gentleman who has offered this resolution, that we have not an inch of territory beyond the Iuerville. It was therefore that I considered it all important to have the Florida, and it was therefore I voted, as Congress did in the memorable instance of the purchase of Louisiana. And it was the fear that taking of the injunction of secrecy might affect the issue of this all important negotiation that induced me some time since to vote against it. But during the whole of the discussion we have had on this subject, no proof has been adduced, that the money we have appropriated is to be given to France, although the gentleman from Virginia has declared there is no Spain, no Pyrenees; although he has declared that Spain is confessedly merged in France; although he has declared France would not permit Spain to settle her differences with us, and although this has been adduced as an argument to shew that we can do nothing with Spain; and although the gentleman has further said that if we could see the dispatches of the Spanish minister, we should see them signed "Charles Maurice Talleyrand," and although he has alleged that a negotiation could not be opened with a government reduced to a mere nonentity; as I did not anticipate the motion of my colleague, I cannot be expected to be prepared to go into an examination of the motives, as has been done by my colleague, which influenced the decision of the House. This could not be done unless all the documents on this subject were printed. Some gentlemen appear to me to have given an importance to a certain document which it does not merit; and it has been said it was withheld until our vote was taken for the purpose of trepanning us. I have heard of but two gentlemen who have declared it would have affected their votes. On me it would have had a different tendency. I wish it published. I will say for one, that I think, had it been received before the passage of the bill, it would have had a tendency to increase the majority, stupendous as it was, because—but I am not at liberty to say why. I hope the Speaker will decide this question not proper to be discussed with open doors.

Mr. J. RANDOLPH said that he had to his astonishment found a detailed report on the journal, which it was not usual to enter upon it. He found also three messages, and this was the only instance in which a message was not entered upon it.

Mr. LEIB asked whether it was consistent with the rules of the House to have the message now read? If it were not, he could not concur with the gentleman from Virginia in voting for the motion under consideration, though he agreed with him in the propriety of taking off the injunction of secrecy from all the papers.

Mr. J. RANDOLPH asked, whether, when the journal was read, the clerk had not begun to read the message, when the reading was dispensed with? This was his recollection, and if so, it must be considered as a part of the journal, respecting which the injunction of secrecy had been taken off.

The Clerk said this was the fact.

Mr. LEIB then said, before he decided on the resolution, he wished to hear the message read.

The Speaker said it would be most acceptable that the House should decide whether the reading was proper.

Mr. ALSTON. I merely rise to remind the Speaker of the decision he gave, and of the question I put to him when the injunction of secrecy was removed. I well recollect the decision of the chair that the message of the President and the letters of our minister were not embraced in the motion for taking off that injunction. And I have not a doubt on my mind that it was in consequence of that decision that the vote of the House was such as it was. As to the publication of the message, it is immaterial to me. I voted against giving publicity to the secret journal until we had heard the result of the negotiation. To act consistently on this subject with that vote, I am for going no farther. I believe however for the justification of those who voted as I did, the publication of all the documents will be advantageous. In voting therefore against publishing this message, I shall make a sacrifice of my feelings to the public interest. For this vote the good of the nation will be my only motive. But when a negotiation is about to be opened for an object so important as the Florida, I ask whether it is not right, I appeal to the American people whether they do not think it right to use every necessary means for ensuring its success? With regard to the appropriation of two millions with a view to this purchase, I voted for it as a set off to the resolution reported by the select committee. I voted for it in preference to a standing army. I would rather strengthen the arm of the executive with money than with a standing army, so fatal to liberty. And I believe a majority of the republicans in this nation will uphold me in this opinion. Every body knows the importance of this country. Has it not been said on this floor that there does not belong to you a foot of ground between the Mississippi and the Perdido? I recollect when this country was ceded to the United States, to have had a conversation on this subject with a gentleman from Virginia, for whose opinion I have a high respect, and he was of opinion with me that it was very doubtful whether this country was included, indeed we rather thought it was not in the treaty. Will any man say that it is not of vast importance to us to have the small territory that divides our people, and by a fair purchase remove all grounds of future quarrels. If it has entered into the minds of gentlemen to make other than a fair purchase of this country from its rightful owner, this is not my opinion, nor have I any recollection that any such motive has been avowed. A particular document has been referred to, the receipt of which I have heard one or two gentlemen say, might have altered their votes on the bill passed by the House. But I was astonished to hear such a declaration. It could not have altered my opinion; it had in my mind no bearing on the measure. I have one farther observation to make. If it was doubtful whether this country belonged to us, what would have been the effect of adding one or two additional regiments to your standing army? and placing them on a territory you acknowledge you do not believe to be rightfully yours? I would rather put down a regiment of the present standing army than add one man to it. When our rights are invaded we shall not require a standing army to defend them—it will be the militia that will defend them. I am opposed to a standing army, and ever will be opposed to it. For these reasons I was in favor of strengthening the arm of the executive by an appropriation, instead of strengthening it by a standing army.

Mr. CLARK requested the Speaker to examine the secret journal, and see whether this message were in it.

The Speaker said it was, and might therefore be discussed with open doors.

Mr. J. CLAY. I was astonished when I found this journal without the message. Five messages appear to have been received, all of which appear on this journal, excepting this, which is the only message of any consequence. I did believe when the injunction of secrecy was removed, it applied to all the papers received by the House, and I did not conceive myself bound to conceal one tittle of what occurred while we had locked doors. I should therefore, wish my friend from Virginia, so to amend his motion, as to include all the documents. I consider this essentially necessary to elucidate the transactions of this House. It seems to have been fashionable for gentlemen to declare what were their motives for the several votes they have given during the time our doors were shut. I have but one motive which I hope will continue to govern me as long as I have a seat in this House. My object was to be prepared for war while I endeavored to maintain peace. I voted for the resolution for the increase of the army because every body knows, who is the least acquainted with the state of the south and south-western frontier, that the militia in that quarter are not able to defend it. They are indeed but a people of yesterday—aliens to your habits and language—and indeed aliens in every sense of the word. We had seen that frontier invaded by Spain—I was not willing therefore to withhold from the executive the means of chastising this aggression, I therefore voted for the resolution. I also voted for the appropriation of money, because I was willing to show Spain that while we were prepared to chastise her aggressions, we were also willing, by

amicable negotiation to adjust our differences. I therefore voted for an appropriation for the purchase of a country which I deemed highly valuable to us. Whether the money appropriated was to go to France or Spain did not influence the vote I gave. I did not know then that any circumstances were conceded from the House calculated to throw light upon the subject, and of the contents of the message of the 17th January I was totally ignorant, as it was handed in the day I went to Philadelphia, and was immediately afterwards returned to the President. I could have wished that between the 24th of December and the 17th of January, there had been found time to make an official copy of it, since we have heard that it would have a considerable bearing on the votes of the members of this House; and I should conceive that it would be very important as forming an item in the transactions of the session. When we came here the public expectation was highly excited. We had been injured and insulted by Spain on land and by England at sea. The nation required the adoption of measures to procure redress, and to prevent similar aggressions in future. What have been the consequences? We have passed an act appropriating two millions to purchase the Florida and to chastise Spain, and we have passed an act prohibiting the importation of certain goods from Great Britain as a peace offering to her. It is in my opinion necessary that all the documents should be published to give the people an opportunity of judging whether their representatives have been faithful to their trust. There are parts of those documents which I suppose will not be published, which had a considerable influence on my mind on the votes which I gave. Allude to the threat of hostility by France.

Mr. Speaker here called to order.

Mr. CLAY concluded by observing that as they had published five messages which had contained nothing, he hoped they would publish the one that contained something.

Mr. DAWSON expressed himself in favor of giving publicity to the message, which he believed could do no possible injury. So far as it went, he thought it favored both the resolutions—as well that for raising an army, as that for conducting a negotiation by the appropriation of money.

The reading of the message being called for, Mr. Speaker said he thought it was in order to read it, as it was inserted in the private journal.

Mr. BLACKLEDGE appealed from the decision of the chair.

Mr. ALSTON observed that his colleague would better get at his object by taking a question on the reading of the message, and Mr. Blackledge so modified his motion.

Mr. SMILIE said a regard to consistency would prevent him from voting to give publicity to the message. He could not vote for it, because he did not wish to take on himself that responsibility which might flow from the publicity defeating the negotiation. It rested with those who voted for the taking off the injunction of secrecy to take that responsibility on themselves. At the same time, however, that he must vote against it, he hoped a majority would be found in its favor, because he saw it would be necessary to publish this document, to place their conduct in a proper point of light. So far was the message of the 17th of January, which had been alluded to, from having any influence in changing his vote, that it tended strongly to confirm him in the propriety of it.

On the Speaker reminding Mr. Smilie of the question before the House, he declined saying any thing further than requesting the Yeas and Nays to be taken.

Mr. ELMER said if he understood the decision of the Speaker, the motion of the gentleman from Virginia was altogether useless. He had understood from a former decision that the journal did not include the message; but other gentlemen appeared to have considered it in another way. He was perfectly willing that it should be published, and he did not think any ill could arise from it. For reasons already assigned by other gentlemen he had been against taking off the injunction of secrecy at this time. He should therefore vote against every question of this kind.

Mr. JACKSON—Is it not the right, Mr. Speaker, of any member to demand an official copy of the message?—You have decided it to be a part of the public journal, ordered to be printed—and no appeal has been made from that decision—how can it then with propriety be said, it shall not be read, because the reading of it will give it publicity? As so much has been said of the important bearing of documents sent to us, and we have published our proceedings, it is my wish to see them all exposed to public scrutiny—I am not now prepared to make a motion which I shall offer at a proper time, unless anticipated by some other gentleman, that the President be requested to lay before the House, all the papers heretofore communicated by him, with a view of giving them publicity—I wish on all occasions to give publicity to my conduct as well in conclave as when these doors are open, and I will take this occasion to repel an insinuation, made the other day in the debate on the Yazoo question, by a gentleman from Virginia, (Mr. J. Randolph) which I have heard was applied to me.—That I left my seat

for fear of voting on it, and removed to a different part of the House—Sir, I will candidly confess, that although the year before the last, I had declared I considered it for the interest of this country, that those claims should be compromised, and I voted for the compromise of them—yet last year when I found gentlemen in whom I had great confidence, of opinion that such a measure would tend to sanction a scene of nefarious swindling—I was induced to determine then, and so expressed myself, that I would not vote again upon the question—and I was the more inclined to pursue this course from a supposition that my knowledge of the vital injury which my district had sustained by the existence of a claim, called the Indiana purchase, which hovers over their heads, and in consequence of its recent resurrection, lands have been sold at one fourth of their value, and which claim is certainly more execrable than that of many of the persons who purchased from the Yazoo men—might produce a bias in favor of compromise which was improper—and I was willing to think that my opinion was incorrect.—But at the same session when the gentleman from Virginia charged all who had voted for the compromise with corruption, & threatened them with the vengeance of the people—and when it was declared that no member from Virginia, who had the temerity to vote for it, should be re-elected—I was driven from the neutral ground I had taken—and thus borne down by the impetuous intemperance of the gentleman, I thought it became me not to shrink from the vote I had given.—The reasons on which I have acted were made public. I brought the question fairly before my constituents, and they re-elected me by a greater majority than formerly—I could not, therefore, decline to vote for a measure which they and my judgment approved, and which I believe the faith of Congress has been pledged to sanction.—As an individual, I cared not what was the fate of the bill from the Senate.—As a judge to whom the claims of our citizens were presented, I wished that it should be *ex equo et bono*.

The gentleman from Virginia knows I refused by my vote to give leave to the gentleman from Maryland to be excused from voting, as I not only stood up when a division was called for, but made the remark which he repeated, that he was not compelled to vote, but might retire. After giving this vote I went across the House to ask a friend from North Carolina to spend a social evening with me. He is now in his seat, and I appeal to him that I did not even mention the subject before the House.—When the same question occurred I voted by him, as I had before voted; I knew of nothing that could drive me from my purpose or from my seat—I will not attempt to scan the feelings which predominate in the mind so liberal as to attribute unworthy motives to, and manifest a jealousy of every man that differs from it—it is a topic fruitful of commentary, it involves considerations which I will not delineate—for my part I do not envy those feelings, I thank God such is not my nature. It is always unpleasant to me to engage in controversies which have a tendency to excite the malignant passions. I wish to avoid them as much as any man living, as far as is consistent with my honor and reputation—but I never will shrink from a contest political or personal, in this House or out of it at the sacrifice of either.

Mr. Blackledge said he was astonished at the course this debate had taken. The question is this—shall a certain paper heretofore secret be made public? and the chair has decided that this very paper is already public. Let the question then be decided which way it may, the paper goes to the public. My object is to get a vote which shall decide whether this question shall be debated with closed doors or in public.

Mr. SPEAKER said it was in order to appeal from his decision.

Mr. BLACKLEDGE then said he would appeal from that decision.

After some further conversation, Mr. Blackledge withdrew his motion, which was renewed by Mr. J. Clay.

The SPEAKER then said—reading of the message of the President of the 6th of December is called for—the Speaker has decided that that document is part of the journal ordered to be published, and may be read. From this decision an appeal is made to the House, on which appeal there can be no debate.

When, without taking a question, two successive motions were made to adjourn, the last of which prevailed.

Monday, April 7.

The Speaker informed the House that the bill to compensate the witnesses who attended the trial of Samuel Chase was for a third reading, on which

Mr. Leib rose, and said that he had a motion to make on the subject. It was that the bill should be re-committed to a committee of the whole House. By the provisions of the bill compensation was to be made to the whole of the witnesses who attended the trial, on behalf of the accused as well as of the prosecution, and to this he never could or would consent. It was the establishment of a principle, which did not obtain in the courts of the United States, nor he believed in the courts of the respective states, and in the case of a great culprit. He had been pronounced guilty by a great majority of the house, and a majority of the senate had concurred in the decision, and to make this provision for the payment of his witnesses, indicated a consciousness that the decision had been unjust. To this he was not willing to subscribe. He was not disposed to libel the House by any act of this sort; for it was a libel on themselves for the members who accused, to manifest their consciousness of having acted unjustly by a provision to reward the culprit by the payment of his witnesses. If it is just thus to provide in the case of Chase, we ought to travel back, and commence the business of justice in cases of innocence. It cannot be forgotten, that an insurrection was said to have existed in the year 1794 in the western countries of Pennsylvania, and that

for certain purposes this insurrection was produced. Victims were taken by certain members of the government, and among them was a member of this house, Gen. Hamilton. He was dragged from his home to the city of Philadelphia, incarcerated, & a bill against him sent to the grand jury. It was returned ignominiously, and notwithstanding, the innocence of this gentleman was established, he was put to the expense of between five and six hundred dollars, as a cent of which was ever refunded to him! Are we then disposed to provide for an acquitted felon, to remunerate him, to give him a premium for his iniquities, and to leave innocence unatoned? He trusted not. He hoped the house would not dishonor itself by such an act, and he therefore hoped a recommitment of the bill would take place.

The motion was agreed to, and the bill recommitted.

Tuesday, April 8.

A joint resolution was adopted for adjourning the two houses on Wednesday the 10th inst.

On motion of Mr. Jackson the following resolution was agreed to:

Resolved that the secretary of the treasury be requested to communicate to this House any information which he may possess in relation to an application said to have been made to draw money from the treasury for the purchase of the Florida before an appropriation made by law for that purpose.

Wednesday, April 9.

Mr. J. C. Smith from the committee of claims, made a report on a letter of Wm. Eaton, concluding with a resolution that the proper accounting officers be authorized and directed to settle the accounts subsisting between the United States, and William Eaton, late consul of the U. S. at Tunis, under the direction of the secretary of state; which resolution was agreed to, and referred to the committee of claims, to bring in a bill; who during the sitting brought in a bill authorizing the settlement of accounts between the U. S. and William Eaton, which was referred to a committee of the whole to-morrow.

The speaker laid before the House a letter from Joseph H. Nicholson, resigning his seat as a member of the House.

Mr. Gregg from the committee on public lands, made a report on the petitions of sundry officers, and representatives of officers who served in the British army in the war which originated in the year 1755, stating the inability, in point of time, to attend to these cases during the present session, and concluding with a resolution for the indefinite postponement of the petitions, in which the house concurred.

The speaker laid before the House a letter from the secretary of the treasury, transmitting a statement of the exports of U. S. from the 1st of October, 1804, to the 1st of October, 1805—by which it appears that the whole exports of the U. S. for that time amount to 95,566,021

Of which amount the exports of domestic growth or manufacture are, 42,387,002

And those of foreign growth or manufacture, 53,179,019

A bill for establishing trading houses with the Indian tribes was read a third time and passed.

A bill in addition to an act entitled an act to regulate the grants of land, and to provide for the disposal of the lands of the U. S. south of the state of Tennessee was read a third time and passed.

A bill to amend in the cases therein mentioned, the act to regulate the collection of duties on imports and tonnage, was read a third time and passed.

The house resolved itself into a committee of the whole—Mr. Varnum in the chair; on the bill to authorize the state of Tennessee to issue grants, and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.

Mr. Blount moved to strike out the first section.

This motion was supported by Mr. Blount; and opposed by Messrs. Gregg, Alston, G. W. Campbell, Rhea of Ten. and Pitkin.

Messrs. Bedinger, Blackledge & Alexander spoke against the provisions of the bill generally.

The question was then taken on striking out the first section, and passed in the negative without a division.

Various amendments were offered, some of which were agreed to, and others disagreed to, after considerable debate.

Mr. Blackledge moved a new section declaring that this act shall not take effect until the legislator of North Carolina shall give their assent thereto.

This motion was supported by Messrs. Blount, Macon, and Alexander, and opposed by Messrs. Gregg, and G. W. Campbell; and disagreed to; Ayes 22.

The committee then rose and reported the bill with sundry amendments; when the House adjourned about five o'clock.

Thursday, April 10.

On motion of Mr. Mac Creery, Resolved, That the Speaker be requested to inform the executive of the state of Maryland of the resignation of Joseph H. Nicholson, a representative of that state.

The House took into consideration the amendments of the committee of the whole to the bill authorizing the state of Tennessee to issue grants, and perfect titles to certain lands therein described; and to settle the claims to the unappropriated land within the same.