

[CONCLUDED.]

The committee met on the 7th of December, but came to no definite resolution. One of its members (Mr. Bidwell, of Massachusetts) construed the message into a requisition of money, for purposes of foreign intercourse, and proposed a grant to that effect, but in this construction he was unsupported, and his proposition over-ruled. He himself, when the subject was agitated in the house would not avow the same construction of the message which he had given to it in the select committee. On the 14th of December, the chairman of that committee was obliged to go to Baltimore, from whence he did not return until the 21st. During this interval, the dispatches from Mr. Munroe, of the 18th and 25th of October, were received by government. Previous to this chairman's departure, having occasion to call on the secretary of state, he was told by that officer, that France would not permit Spain to adjust her differences with us: that France wanted money, and that we must give it to her or have a Spanish and French war. It was when he related this circumstance to the house that Mr. Randolph said, "his confidence in the secretary of state had never been very high, but that now it was gone forever." And on the same occasion Mr. Nicholson (who had voted for the appropriation) exclaimed, that he trusted in God the negotiation would fail—several other republican members seemed shocked at this disclosure, and expressed regret at the vote which they had given. On the morning of Saturday the 21st of December, the chairman of the select committee returned from Baltimore. The committee were immediately convened. As they were about to assemble, the chairman was called aside by the secretary of the treasury, with whom he retired, and who put into his hands a paper headed "provision for the purchase of Florida." As soon as he had cast his eyes on the title, the chairman declared that he would not vote a shilling. The secretary interrupted him, by observing, with his characteristic caution, that he did not mean to be understood as recommending the measure, but if the committee should deem it advisable, he had devised a plan for raising the necessary supplies, as he had been requested, (or directed) in that case to do. The chairman expressed himself disgusted with the whole of this procedure, which he could not but consider as highly disingenuous. He said "that he was so sensible of the importance of Florida to the United States, and as willing to acquire it honorably as any man, but he would never consent to proceed in this way—that the most scrupulous care had been taken to cover the reputation of the administration, whilst congress were expected to act as if they had no character to lose—that whilst the official language of the executive was consistent and dignified, whilst the president warned us of the determination of Spain to advance upon our possessions until she should be repulsed by an opposing force," and pronounced "that the protection of our citizens, as well as the spirit and honor of our country rendered the interposition of that force necessary," declaring at the same time "his determination to pursue the course which the wisdom of congress should prescribe;" congress was privily required to take upon itself all the odium of shrinking from the national honor and national defence, and of delivering the public purse to the first cut throat that demanded it. From the official communications—from the face of the record, it would appear that the executive had discharged his duty in recommending manly and vigorous measures, which he had been obliged to abandon, and compelled by congress to pursue an opposite course, which, in fact, congress itself had been acting all the while at executive instigation." The chairman further observed "that he did not understand this double set of notions & principles; the one ostensible, to go upon the journals and before the public, the other the efficient, and the real motives to action; that he held true wisdom and cunning to be utterly incompatible in the conduct of great affairs—that he had strong objections to the measure in itself, but in the shape in which it was presented, is repugnant to it was insupportable." And in a subsequent conversation with the president himself, in which those objections were recapitulated, he declared "that he too had a character to support, and principles to maintain, and avowed his determined opposition to the whole scheme."

The committee now assembled and instructed their chairman to write to the secretary of war for his opinion as to the force which it would be requisite to raise for the defence of the southern frontier, and requesting at the same time, to be informed what number of troops were already stationed in that quarter. In his answer, the minister stated the force which the United States had on the Mississippi and its branches, ready to ascend the river at a short notice, to be somewhat less than a thousand men; that he had intelligence that Spain was collecting an army on the frontiers of New Mexico

and transporting troops from the Havana to Pensacola, and that the force requisite on our part, would depend upon that which would be opposed to us, which he estimated (vaguely) to be superior to our own.

About this time the news of the sea fight off Trafalgar reached America, the event of which alarming the Spanish ministry for the safety of their West India colonies, forbade the weakening of the important post of the Havana, and suspended the hostile movements on the part of Spain against the United States. And to this circumstance we have been probably indebted for the unobscured possession of New-Orleans and its dependencies.

When the secretary of war's letter was laid before the committee, Mr. Bidwell moved the same proposition which the secretary of the treasury had some days before put into the hands of the chairman, and which he (Mr. B.) afterwards introduced into the house; viz. a vote of two millions and a continuance of the duties, the proceeds of which constituted the Mediterranean fund. It was rejected, and the chairman directed to draft the report which has been printed with the secret journals, and published in the newspapers. The committee saw, in the multiplied aggressions of Spain ample cause of war, on the part of a government with which the welfare of its citizens was not paramount to every other consideration. But conceiving that the interests of the American people, [which alone it behoved them to consult] require peace, they forebore to recommend offensive measures. They believed it to be our policy to reap the neutral harvest, and seize the favorable occasion of extinguishing the public debt—at once the price of our liberties, and the bane of our ancient servitude. So long as this debt remains unpaid, we can scarcely be considered as a truly independent people. The sense of the committee was, neither to make war, nor purchase peace, but to provide for the defence of our actual territory, which the highest authority had announced to have been violated and to be menaced with fresh invasion. On this point they conceived there could be but one sentiment, whatever difference of opinion might exist as to the wisdom of pledging the nation to protect its flag in remote seas, or its ability to afford such protection. A poor attempt has been made to reproach the committee with a want of reliance on the militia, and a preference for the standing army. When it is considered that all the protection then and since to extend to the country in question consists of regular troops, and that the nearest states from which the militia could be marched for its defence, are separated from it by many hundred miles of intervening Indian country [not to mention that these states themselves are amongst the weakest in the union] the incompetency of the militia to the service in question, and the futility of the objection, must become manifest to all. Besides, the President had no occasion to apply to congress for power to call out the militia to repel invasion, that force being, under such circumstances, already at his disposal; and it is worthy of remark, that the far greater number of these would-be partisans of the militia refused to adopt the measure recommended by the executive, [or indeed any other] for giving efficient operation to that great constitutional defence.

The report of the committee, although in strict unison with the official recommendation of the executive, was rejected by 72 to 58 votes; and the proposition to appropriate dollars for the purpose of defraying any extraordinary expenses of foreign intercourse, which had been previously laid on the table by a member of that committee, before their report to the house, was immediately taken up. The avowed object of this measure was to enable the President to open a negotiation for the purchase of Florida. A motion was then made by Mr. J. Randolph to confine the appropriation to that object, and agreed to, ayes 78, nays 58. Another motion was made by the same gentleman to render the debt which was proposed to be incurred, redeemable at the pleasure of the United States. This was carried without a division. But afterwards when the bill was brought in, the house rescinded its vote for a specific appropriation and the money was left applicable at the discretion of the executive, to any extraordinary purpose of foreign intercourse whatsoever. Mr. J. Randolph also moved to limit the amount which the government might stipulate to pay for the territory in question; upon the ground that if Congress were disposed to acquire Florida by purchase, they should fix the extent to which they were willing to go; and thereby furnish our ministers with a safeguard against the rapacity of France—that there was no probability of our obtaining the country for less, but every reason to believe, that without such a precaution on our part, she would extend more. This motion was overruled. When the bill came under discussion, various objections were urged against it by the same gentleman. Amongst others, that it was in direct opposition to the views of the executive, as expressed in the President's official communication (it was on this occasion that General Varnum declared the measure to be consonant to the secret wishes of the executive); that it was a prostration of the national honor at the feet of our adversary; that a concession so humiliating would paralyse our efforts against Great Britain in case the negotia-

tion then and now pending, between that government and ours should prove abortive; that a partial appropriation towards the purchase of Florida without limiting the President to some specific amount, would give a previous sanction to any expense which he might incur for that object, and which Congress would stand pledged to make good; that if the executive, acting entirely upon its own responsibility, and exercising its acknowledged constitutional powers, should negotiate for the purchase of Florida, the House of Representatives would, in that case, be left free to ratify or annul the contract; but that the course which was proposed to be pursued, and which eventually was pursued, would reduce the discretion of the Legislature to a mere shadow; that, at its ensuing session, congress would find its self, in relation to this subject, a deliberative body, but in name; that it could not, without a manifest dereliction of its principles, and perhaps without a violation of public faith, refuse to sanction any treaty entered into by the executive under the auspices of its legislature, and with powers so unlimited; that, however, great his confidence in the chief magistrate, he would never consent to give any president so dangerous a proof of it;—that his duties as a member of that house, as the independent representative of an independent people, were paramount to every other consideration; and that he would never preclude himself, by any previous sanction, from the unbiased exercise of his judgment on measures which hereafter were to come before him; that the house had no official recommendation from the executive for the step which they proposed to take, on the contrary it was in direct opposition to his sentiments as expressed in the confidential message; that the responsibility would be exclusively their own; that, if the president deemed it advisable to purchase foreign territory, he was free to enter into stipulations for that purpose, whilst congress would remain equally free to sanction or disapprove such stipulations, or that, if he thought proper to ask for an appropriation for that object, the responsibility of the measure would rest upon him; but when the legislature undertook "to prescribe the course which he should pursue, & which he had pledged himself to pursue," the case was entirely changed; that that house could have no channel through which it could be made acquainted with the opinions of the executive, but such as was official, responsible, and known to the constitution;—and that it was a prostration of its high and solemn functions to act upon an unconstitutional suggestion of the private wishes of the executive irresponsibly announced by an irresponsible individual, and in direct hostility to his avowed opinions.

To every objection the "Louisiana precedent" as it was called, formed the only answer, although in the latter stages of the discussion, no reply was attempted. The doors were closed, and the minority, whose motives were impeached, and whose persons were almost denounced, were voted down without debate. In reply to the case of Louisiana, it was said, that it was no precedent at all; that every argument drawn from that source was utterly inconclusive in the present instance; that no two cases could be more dissimilar; that, except the parties being the same, there was no point of resemblance; that, when Spain with hell from us the right of deposit at New Orleans, congress had acted on its own instigation alone; they had not been apprized by the executive of any hostile movement on the part of Spain;—the territory of the United States had not been insulted, nor the persons of our citizens, within our own jurisdiction, violated; it had not been officially announced to congress, that "their protection as well as the spirit and honor of our country, rendered the interposition of the national force indispensable;" the chief magistrate of the union had not officially declared that the act of aggression in question, was committed by persons acting by the orders and under the sanction of the court of Madrid; on the contrary, the House of Representatives had expressed, by a formal resolution, their belief, that the wrong in question, had proceeded from the unauthorized misconduct of certain Spanish officers, and declared their determination, in case it should be sanctioned by their government, to redress the injuries, in vindication of the right of our citizens. On that occasion, congress avowed, that they would resort, in the first instance, to an amicable explanation with the Spanish court; on this the false experiment of negotiation had been tried, and "after five months of fruitless endeavor on our part, to bring them to some definite and satisfactory result," had utterly failed. It could not escape the reflection of the house, to how great an extent, the denial of a conventional light had, at that day, roused the minds of our citizens.

And it must be remembered that the acquisition of Louisiana, which put a stop to Spanish aggression for which no satisfaction had as yet been rendered, was made, not from the party whom those offences had been effected, on from one in no wise connected with them. And admitting at this juncture the propriety of our making overture for the purchase of a country, the possession of which, it was conceded on all hands was highly desirable to us; yet, what causes had we taken, or did we propose to take, for the refusal, on the part of us, to "ratify her convention with us, urged by her

own minister under the eye of his sovereign, pledging her to make compensation for spoliation committed upon our country during a preceding war—to indemnify our citizens for the renewal of the same practices, already of great amount, during the present war; for the destruction of the navigation of the Mobile; for refusing to come to any fair and amicable adjustment of the boundaries of Louisiana; and for a daring violation by persons acting under the authority of Spain, and no doubt apprized of her sentiments and views, of our undisputed limits, which she had solely recognized by treaty." *one!* The denial of the stipulated compensation for the spoliation of a former war; the reiteration of the same practices during the present; the obstruction of the Mobile; the peremptory refusal to adjust the boundaries of Louisiana; the insult committed on our territory, and the violation of the property and persons of our citizens within our acknowledged limits; all seemed forgotten, in the zeal to purchase Florida, or thrown with the national purse into the sea.

The bill nevertheless passed by a great majority. A motion was then made to transmit, by a committee, the following message to the Senate:—

"By the house of representatives, January 16th, 1805.

*Gentlemen of the Senate,*

We transmit you a bill which has passed this house, entitled "an act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," and in which we require your concurrence. This bill has been passed by us to enable the president of the United States to commence, with more effect, a negotiation for the purchase of the Spanish territories lying on the Atlantic Ocean, and the Gulf of Mexico, and eastward of the river Mississippi. The nature and importance of the measure contemplated have induced us to act upon the subject with closed doors. You will of consequence, consider this communication as confidential." Mr. John Randolph then moved to strike out the words "river Mississippi," and insert "bay of Perdido"—upon this ground, that the country between the Mississippi and the Perdido was in dispute between the United States and Spain, being a part of Louisiana, "such as it was possessed by France," and conveyed by the treaty of Paris of the 20th of April 1803, to the United States. To the territory in question (embracing both banks of the Mobile, and out of which all our differences with Spain on the subject of boundary on this side of the Mississippi, had grown) the executive had advanced, what they deemed, an undoubted claim. Upon this claim congress had already legislated, having passed a law, erecting the shores and waters of the river Mobile, into a collection district, and it was deemed, that authorizing the president to purchase that portion of the country would not only be a commitment of the national honor, but might fairly be considered as a surrender on our part of all pretensions to the disputed territory. This motion, however, was not adopted—Yeas 39—Nays 49.

It is perhaps worthy of remembrance, that, on this, as on most of the other questions arising out of this subject, many of the warmest advocates of the measures eventually pursued were in the minority. [See the secret journal since published, pag. 33.] But to the message used as well as to the general course of proceeding, this strong and, as it is presumed, unanswerable objection was taken: That the direction which the house of representatives had chosen to pursue was to be prescribed, not to the senate, but to the president; and that it would be impossible for the executive, even with the ingenuity of Epibus himself, to divine, from a message to the senate, what was the real intention of the representatives of the people; but that this message was not to be announced to him, but to the other branch of the legislature, and that, even, if it were, his duty was to execute the laws, which should be enacted, and which could not be enlarged, restrained, or modified in any degree whatever, by any message from one house of congress to the other; and the appropriation being for any indefinite purpose of extraordinary foreign intercourse, and to make, in consequence of any indignation, or recommendation from the president, he must be presumed to be totally in the dark "as to the secret wishes" of the senate and house of representatives, and to be incapable of inferring the intentions of the legislature from any thing but the context of the law itself; much less should he be deemed responsible for the execution of plans of which by the general maxims of legislation, as well as by the known principles of the constitution, he must be supposed to be altogether ignorant. As I have said however, this, with every other difficulty that could not be solved, was over-ruled; and on Thursday, 16th January, the engrossed bill, with the message above recited, was transmitted to the senate. On the day following, when the bill was no longer in the possession of the house, or under its control, the dispatches from our minister at London, of the 18th and 25th of October, 1805, which had been four weeks lying in the office of the secretary, were laid before the house. Those dispatches, which had a most important bearing upon our Spanish relations, which had occupied the attention of the house of

representatives for nearly three preceding weeks, during which their doors were closed, produced an instantaneous conviction on the minds of many, the best informed and most influential members of the house, presumed to be in the confidence of the secretary of state, that the dispatches had but recently arrived; and this inference was supported by this circumstance, that a single copy only, perhaps the original, was submitted to the two houses, to be interchanged between them; from whence it was concluded by many, that sufficient time had not elapsed, since their reception, to enable the clerks in the office of foreign affairs, to make out duplicates of the papers. But the fact was immediately disproved by Mr. J. Randolph's calling at the secretary of state's office, where he learnt from Mr. Wagner, the chief clerk of that department, as well as from the secretary himself, that they had arrived the week before Christmas, that is, prior to the 21st of December.

The house of representatives having resolved to incur an expense for the purchase of Florida, the second member of Mr. Bidwell's resolution to continue for years the additional duty of two and a half per cent. ad valorem, imposed by the act "further to protect the commerce and seaman of the United States against the Barbary powers," to make good the same, came under consideration—But this proposition was vehemently opposed by Mr. Randolph, who stated, that he deemed it an unconstitutional mode of voting supplies to raise taxes in col. slave; that if the members of that house should once come to levy impositions upon their constituents with closed doors, whilst the votes which they should give (to say nothing of the discussion) from the very nature of the secret journal, remained from their constituents, there was an end of the public liberties. Congress might thus pass any laws, however unconstitutional, and oppressive, whilst the people would remain ignorant of the part which their representatives respectively had taken, & be consequently unable to apply the proper corrective, & that, however, reasons of state might render it expedient to proceed in this way against a foreign enemy, or to give a secret direction to military expeditions against the common foe, those reasons were totally inapplicable to the impositions of burthens upon the people, or to any curtailment of their rights with which the enemy could have no concern, and from the knowledge of which he could derive no advantage. The proposition was at that time withdrawn, but on the last day of the session, April 21, this tax was continued; the only ostensible motive is to be found in a message from the executive of 14th of the same month, intimating the existence of an unfriendly disposition on the part of Tunis towards the United States.

In a future number, some remarks will be offered on the proceedings of congress respecting our relations with Great Britain; a subject, which, if possible, has been more misrepresented, and less understood, than that of the present communication.

DECIUS.

American, AND Commercial Daily Advertiser. TUESDAY, AUGUST 26, 1805.

We were politely favored last evening with London papers to the 31st July, and Liverpool to the 3d July—Their dates having been anticipated by an arrival at Boston, they, of course, afford nothing new.

Mr. Pechin,

You are authorized to inform the voters of the city of Baltimore, that T. BLAND, Esqr. will serve as a delegate in the legislature of the state, if elected.

COMMUNICATION.

We have the authority to state that EDWARD AINSWORTH, Esq. will serve if elected, as a delegate to represent the city of Baltimore in the next general assembly of Maryland. We consider an eulogy on the talents of this gentleman, or any delineation of his merits as incongruous; suffice it to say, he possesses in an eminent degree all the essential requisites which constitute the legislator—his long and well known stability in politics, and his firm adherence to the interest of the city of Baltimore, justly entitle him to the suffrages of his fellow citizens.

The Republican Voters have generally determined to support Tobias B. Stansbury and Moses Brown, Esqs. as Electors of the Senate, for Baltimore county.

Alexander M. Kim, Esq. was early nominated as the Elector of the Senate for Baltimore city, and it is presumed will receive the support of the republican ticket; a division between republican candidates is to be deprecated, for our Federal enemies will be on the alert to intrude one of their kind, should any division take place.

Miss Glenn, Esq. we flatter ourselves, will receive the hearty support of all the true friends to the present happy state of political affairs.

MANY VOTERS.