

the commerce between her subjects, and our citizens, to a blustering bullying conduct—to a vain parade of military preparations, which may furnish some nations with matter for ridicule, and the enemies of our growing strength with a hint of an easy and effectual method of involving us in ruinous expenses. Sir, if a declaration of war had been made by Britain, or by Congress, then the arguments used by some gentlemen against the resolutions would have weight with me—but as those gentlemen, from what, till within a few days, had fallen from them, appeared as averse to war as I am, I cannot believe that they will agree to a declaration of war; and without such a declaration, I see no reason to be diverted from an attempt to regulate our commerce, and in that manner, especially, Sir, which it was the wish of our fellow-citizens it should be regulated; a wish, to which I think we owe the production of the Federal Government, and the existence of this House.

Mr. Lyman spoke nearly as follows:

The discussion of this question hath already engrossed much time. It hath been postponed because, Sir, I then thought, I now think the house were not in possession of all the information and premises necessary to guide their determination on all the resolutions proposed. It was then said, Sir, that although we had aggravated complaints against Great Britain, she could not be so infatuated as not to render justice; that those injuries were in a train of negotiation and that it would be rashness and folly to interrupt them. I confess, Sir, that this reasoning had its weight with me; but the case now assumes a different face. Is there any gentleman that still doubts of the hostile and mad intentions of that nation. Their aggressions have increased: they meditate still more, and have denied us in an unequivocal manner any compensation; they have added insult to injury. I do not say these things with a view to fire the public mind to resentment—that is already done to such a degree as to want the rather to be allayed and given a proper direction. But it has been said, Sir, that instead of that firm front of defence which the danger of our situation requires, these resolutions are important and trifling—mere *pap*. I cannot think, Sir, this language is any compliment to the understandings of either the community, or this house, or even the gentlemen themselves, who so zealously oppose them. If they are insignificant as the gentlemen declare them they ought wholly to be disregarded. No, Sir, they are not insignificant; they present us with a part at least of a just and temperate defence against a nation that with unaccountable enmity plunders and insults us. If they are insignificant, I am content to be undeceived, as not comprehending them. I do not intend at this time to go into a minute consideration of the general nature of the resolution; that hath already been amply done, and I am convinced, and cannot be afraid to hazard my opinion to the public, that it is founded in immutable natural principles, that will stand the test of time. There cannot be a plainer explanation than reciprocity of advantages in navigation and commerce.

It is for our interest to counteract the commercial regulations of other nations by those of our own; to repel their fabrics and manufactures from our country, and to replace them with our own. We have both the right and the power to do it. These are truths that have been always acknowledged in this country. Conviction of their importance was one among the causes which produced the present constitution. We have hitherto forborne the exercise of this right. I do not pretend to arraign the motives, I believe they were good, because, Sir, I recollect that our commerce and navigation for some years until late hath been prosperous; although owing perhaps less to permanent than adventitious causes; to the same causes possibly which now conspire to oppress and despoil it, and threaten a total dissolution. Was this not the case, I could have been content, nay I would have preferred still further forbearance; but the evils are alarming; something is unavoidably necessary to be done, and as no gentleman proposes any substitute for the present system contemplated, I find myself compelled to endeavour to make the best of this, with a firm reliance and persuasion that it will promote the peace and prosperity of our country; for I do not think any thing we shall do will have a

tendency to make Great Britain less hostile or more friendly.

She has already convinced us, and every one must be convinced, that we cannot expect any thing from her moderation and justice; and I hope we shall have nothing further to fear from her force. I hope, Sir, and I believe this measure will attach and increase the number of our friends and diminish and confound our enemies; for I can by no means subscribe to the doctrine, that a national character is wholly abstracted from all sensation of benevolence, gratitude, humanity,—virtues that so highly adorn individual characters. These, Sir, are my impressions; the result of a cautious and even anxious investigation, in which I have endeavoured not to be transported by either passion or prejudice—but to obey the calm dictates of my understanding, with that independence and steadiness which is indispensable. (To be continued.)

January 30.

(Mr. Madison's Speech concluded.)

Mr. H's letter he observed, closed the correspondence on the subject of commercial arrangements, being justly considered by the executive as a final proof, that the powers of Mr. H. were incompetent, and irrelative to the object; and that it would be improper to open a formal negotiation with him, under them. His instructions might be a rule and a warrant to himself, but not being even exhibited, could be no evidence of his authority, to the executive. And his plenipotentiary commission in the ordinary form, could never be understood as relating to the special objects he proposed to discuss. According to the usage of nations, a special commission is, in such cases, always furnished and required. Mr. M. was persuaded, that no sovereign in Europe would listen for a moment to such a claim as that of Mr. H. and that the British court would have been offended at such an one from an American minister. He thought therefore that the executive had equally consulted dignity and prudence, in silently dropping the subject in the same manner they did, until Mr. H. should receive and produce adequate powers in the accustomed form; as might reasonably be expected, if his court was duly disposed to meet the United States, in an amicable arrangement of commerce, by treaty.

That the construction put by Mr. H. on his powers, was inadmissible, appeared to Mr. M. to result from the construction itself. Either the general plenipotentiary commission was to be taken in the technical and limited sense in which it is applied to the ordinary diplomatic objects of a stationary public minister; or, in a literal sense, without regard to such limitation. In the former sense, it clearly does not extend to negotiations for a treaty. In the latter sense it would extend to the conclusion of a treaty, and not merely to negotiation, as Mr. H. explains and limits.

Mr. M. adverted next to the state of the correspondence relating to the treaty of peace. It appeared, he observed, that as long ago as the 29th of May, 1792, the Secretary of State had addressed to Mr. Hammond, a full explanation of our rights and demands, under that treaty—that on the 2d June, Mr. Hammond informed the Secretary, that he should transmit it without delay for the consideration of his court; and accordingly did forward it in the course of a few days; that on the 13th Nov. 1792, previous to the present meeting of Congress, Mr. H. was desired by the Secretary, in pursuance of a charge from the President, to let him know whether an answer could yet be given to the letter of May 29, 1782; Mr. H. replied that it could not; but that he was confident the delay was to be ascribed to the continuance of the cause alluded to in a former answer to a similar request.

The cause alluded to was the interesting posture of things in Europe, which it was said, had diverted the attention of the British government to objects of a more pressing nature; and this consideration had been urged by several members, as an apology for the silence observed towards the United States. Mr. Madison thought very differently. The interval between the receipt of the letter written by the Secretary in May 1792; and the accession of Great Britain to the war against France, had been sufficient for the purpose of preparing and sending the proper instructions to Mr. H. Mr. M. added, that the prospect of being engaged in new controversies of a more serious kind in-

stead of justifying an inattention to an existing one, ought to have quickened the efforts for a previous settlement of the latter. This is the course dictated by prudence, to nations as well as to individuals; and where a right disposition concurs, it is the natural course.

It had been mentioned as a further reason against the commercial propositions, at this time, that they might draw upon us the resentments of the Combined powers. Mr. M. could see no ground for such an apprehension. The Combined powers were pretty fully occupied with France; they could have no pretext for concerning themselves with us, in a case where we did not concern ourselves with them; and there was the less room for imagining that the combination could misconstrue the measure into an offence against them; as two of the parties, Prussia and the United Netherlands were in treaty with the United States, and are favored by the propositions.

7. It was finally contended that admitting our situation to be such as had been described, the mode proposed was an objectionable one.

Mr. M. said he had no predilections for the mode that could prevent his giving a ready preference to a better, if a better should be offered. And unless it should be said, that the Legislature ought to adjourn without doing any thing for the public relief, he thought it incumbent on those who objected to one proposition to substitute another that would be less objectionable. By this he meant a proposition not merely better in itself; but one that would probably be thought so, both within and without doors; and be more likely to coincide with the sentiments of every part of the union, as well as to conciliate a majority of voices in the public councils.

The first question, he said, was whether any thing ought to be done. If this be decided in the affirmative, as he presumed to be the sense of a majority of the committee—and if war was not in contemplation as of course was taken for granted; the next question could only lie between negotiation, and commercial regulations. Negotiation it had been shown was in no train, or prospect, that could justify reliance on it. Commercial regulations alone remained. They would be pacific in their operation. They were the means best suited to the temper of our constituents. And he sincerely believed, that, if judiciously framed, they would be more likely to answer the reasonable purposes of the community, than any others that could be proposed.

Congress of the United States.

IN SENATE,

Friday, March 7th, 1794.

On motion,

Ordered, That Mr. Foster be the joint committee for enrolled bills on the part of the Senate, during the absence of Mr. Vining.

Ordered, That the Secretary notify the House of Representatives thereof.

The bill sent from the House of Representatives for concurrence, entitled, "an act making appropriations for the support of government, for the year one thousand seven hundred and ninety four," was read the third time.

Resolved, That this bill pass as amended.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

On motion,

Resolved, That Mr. King, Mr. Langdon, and Mr. Strong, be a committee to join with such committee as the House of Representatives may appoint on their part to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be without great inconvenience, postponed until the next session; that the proceedings may be so regulated as to close this session by the first Monday in April next.

Ordered, That the Secretary communicate this resolution to the House of Representatives and request the appointment of a joint committee on their part.

A message from the House of Representatives by Mr. Beckley their Clerk:

"Mr. President—The House of Representatives have passed a bill, entitled "an act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country," also a bill,

entitled, "an act limiting the time for presenting claims for destroyed certificates of certain descriptions," in which bills severally they desire the concurrence of the Senate."—And he withdrew.

The Senate resumed the second reading of the bill "in addition to the act for the punishment of certain crimes against the United States," together with the amendments reported by the committee, and after progress, the further consideration thereof was postponed.

Mr. Foster reported from the committee for enrolled bills, that they had examined the bill, entitled "an act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States," and that it was duly enrolled.

A message from the House of Representatives by Mr. Beckley their Clerk:

"Mr. President—The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of the Vice-President."—And he withdrew.

The Vice-President signed the enrolled bill last reported to have been examined, and it was delivered to the committee to be laid before the President of the United States for his approbation.

Mr. Foster reported from the committee on enrolled bills, that they this day laid the last mentioned enrolled bill before the President of the United States.

The bill sent from the House of Representatives for concurrence, entitled, "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country"—was read the first time.

Ordered, That this bill pass to the second reading.

The bill sent from the House of Representatives for concurrence, entitled, "An act limiting the time for presenting claims for destroyed certificates of certain descriptions"—was read the first time.

Ordered, That this bill pass to the second reading.

The Senate adjourned to 11 o'clock on Monday morning.

Monday, March 10.

The Vice-President laid before the Senate a letter from his Excellency Josiah Bartlett, Governor of the state of New-Hampshire, enclosing the remonstrance of the Legislature of that state, against the determination of the Circuit Court for the District of New-Hampshire, held at Exeter on the 24th day of October 1793; which letter and papers referred to were read.

On motion,

Ordered, That they be committed to Mr. Livermore, Mr. King, and Mr. Langdon, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled, "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the second time.

Ordered, That the further consideration thereof be the order of the day for Wednesday next.

Agreeably to the order of the day the bill "to erect a light-house on the headland, and Cape of Hatteras; and a lighted beacon on Occacock Island in the state of North-Carolina," was read the second time and amended.

Ordered, That this bill pass to the third reading.

On motion,

That the petition of Francis Mentges, presented the 12th of February last, be referred to a committee.

It passed in the negative.

A message from the House of Representatives by Mr. Beckley their clerk:

"Mr. President—The House of Representatives concur in the amendments of the Senate to the bill, entitled, "An act making appropriations for the support of government for the year one thousand seven hundred and ninety-four"—

"They also concur in the resolution of the Senate of the 7th instant appointing a joint committee on their part.

"The President of the United States hath notified the House of Representatives, that he did on the 7th instant approve and sign the act, entitled, "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States—

And he withdrew.

The Senate resumed the second reading of the bill, "in addition to the act for