

LAW OF THE UNION.

THIRD CONGRESS OF THE UNITED STATES,

AT THE FIRST SESSION,

Begun and held at the city of Philadelphia, in the State of Pennsylvania, on Monday the second of December, one thousand seven hundred and ninety-three.

An ACT to provide for the defence of certain Ports and Harbors in the United States,

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following ports and harbors be fortified under the direction of the President of the United States, and at such time or times, as he may judge necessary, to wit; Portland in the district of Maine; Portsmouth in the state of New Hampshire; Gloucester, Salem, Marblehead and Boston, in the State of Massachusetts; Newport in the state of Rhode Island; New London in the state of Connecticut; New York; Philadelphia; Wilmington in the state of Delaware; Baltimore, in the state of Maryland; Norfolk and Alexandria, in the state of Virginia; Cape Fear river and Ocracoke inlet in the state of North Carolina; Charleston and Georgetown, in the state of South Carolina; and Savannah and Saint Mary's in the state of Georgia.

Sec. 2. *And be it further enacted,* That it shall be lawful for the President of the United States to employ, as garrisons in the said fortifications, or any of them, such of the troops on the military establishment of the United States, as he may judge necessary; and to cause to be provided one hundred cannon, of a caliber each to carry a ball of thirty two pounds weight, and one hundred other cannon, of a caliber each to carry a ball of twenty four pounds weight, together with the carriages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon-shot.

Sec. 3. *And be it further enacted,* That it shall be lawful for the President of the United States to receive from any State (in behalf the United States) a cession of the lands, on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or where such cessions shall not be made, to purchase such lands, on behalf of the United States; *Provided,* That no purchase shall be made, where such lands are the property of a State.

FREDERICK AUGUSTUS MÜHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

Approved—March the }
twentieth, 1794. }

GO. WASHINGTON, President of the United States.

Deposited among the Rolls in the office of the Secretary of State.

EDM. RANDOLPH,
Secretary of State.

An ACT making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intitled "An Act providing the means of intercourse between the United States and foreign nations."

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a sum of one million of dollars, in addition to the provision heretofore made, be appropriated to defray any expenses which may be incurred, in relation to the intercourse between the United States and foreign nations, to be paid out of any monies, which may be in the treasury, not otherwise appropriated, and to be applied, under the direction of the President of the United States, who, if necessary, is hereby authorized to borrow the whole or any part of the said sum of one million of dollars; an account of the expenditure whereof as soon as may be, shall be laid before Congress.

Sec. 2. *And be it further enacted,* That the act, intitled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hun-

dred and ninety, together with the second section of the act, intitled "An act to continue in force, for a limited time, and to amend the act, intitled "An act providing the means of intercourse between the United States and foreign nations," passed the ninth day of February, one thousand seven hundred and ninety three, shall be continued in force, for the term of one year from the passing of this act, and from thence, until the end of the next session of Congress thereafter holden, and no longer.

FREDERICK AUGUSTUS MÜHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States and President of the Senate.

Approved March the }
twentieth, 1794. }

GO. WASHINGTON, President of the United States.

A C A R D.

The Citizen was acquainted with the circumstance of the *lucky* return of Mr. S——'s vessel—however as she had not been many days out, the question he put, was not out of order. The citizen is glad to hear that Mr. S. is *done* with the British, and by their late reprehensible conduct, Mr. S. concludes that they have done with him. To descend to particulars, the Citizen wishes that Mr. S. had been a little more correct and clear in some of his statements, as it would have saved him the trouble of racking his imagination to state them more clearly. The ship *Active* he conceives to be detained under the general order, to interrupt all supplies of provisions to France. The *Mercury* though improperly interrupted by the captain of a British frigate, was suffered to sell her cargo at Jamaica, and Mr. S. no doubt is in possession of the valuable returns—can all the owners of vessels whose cargoes have been sold in French ports say as much? Are they not often valued and taken by officers of that *admirable* government which Mr. S. has so much confidence in, at less than the original cost, without the captains being allowed any voice in the case—and then it has not always happened that they have been paid for them, even according to their own valuation. With respect to the *John*, Mr. S——'s *heavenly* loss, it is said "that this vessel was at the time employed in carrying wheat the British had taken for their own account, though destined for St. Maloes from one of their own ports, before the war between France and Great Britain was declared." The C. declares that he is so dull of comprehension as to be unable to make out the meaning of this, but if he may be allowed to give a guess at it, the meaning of it is this—This vessel was employed by *somebody* to carry wheat from a British port to a French port, contrary to an act of the British Parliament, or an order of the King and privy council, (I am not certain which) issued some time before the war broke out—he was taken in the fact, and the consequences probably were as stated by Mr. S.—she was employed in a trade in violation of the laws of an independent nation; and however Mr. S——'s loss is to be lamented, the vessel deserves no pity for her untimely fate—but what was Mr. S—— about not to calculate his risk in time, and be paid before hand as the wary Danes and Hamburgers? It would be paying a poor compliment to Mr. S——'s sagacity, to suppose that he was behind hand with the most cautious of them, in this or any other instance where caution was necessary. Having succeeded in the development of the causes of this misfortune wrapped up in such mysterious language as at first sight to preclude a hope of the possibility of an unravelment, what are Mr. S——'s grievances reduced to? The solitary and single case of the *Active* detained at Falmouth—Mr. S. does not tell us, that she is libelled, condemned, or *adjudicated*, and his grievance is the less, as he had timely notice of the risk of all vessels bound to France with provisions, except rice—the propriety of the order which placed those vessels under such hazardous circumstances will be discussed elsewhere—if it is new and what was never done before in time of war, Mr. S. will please to take notice that they are not without a *trans Atlantic* example for adopting what was never adopted before.—The Citizen never doubted of Mr. S. having derived considerable emolument from his trade with the ports of France—but that was not the question he put, he merely

took the liberty of asking how many vessels he had *lately* sent to the ports of France, meaning perhaps a month before he dispatched his last vessel for Falmouth.—The C. is happy to hear that Mr. S. has nothing to fear for his vessel which the Convention has in their *wisdom* embargoed at Bourdeaux—does not this shew that Mr. S. is always upon his guard and cautious to provide against the worst? In every instance, but in the unfortunate case of the *John* it has appeared so; being so fortunately situated he has no occasion to do what others have been compelled to do, viz. to bribe the National Commissaries, as Mr. S. chuses to call them.

With respect to the epithets which Mr. S. wishes to bestow on the British government for their late conduct, the Citizen replies, that the distresses occasioned by war, are always to be lamented upon whatever people they fall—but the C. will again remind Mr. S. that the government under which we ourselves live, and enjoy protection, are not guiltless of being the cause of distress to a large class of innocent individuals.

Congress of the United States.

House of Representatives

Substance of the remarks made by Mr. Giles on the 10th of March 1794, upon the question for the passage of the bill providing a naval armament.

Mr. Giles commenced his remarks by observing, that from the sense of the house several times manifested upon this subject, there remained no doubt but that the bill would pass. In that event, he most earnestly hoped that the success of the measure, would at least equal the expectations of its advocates: Indeed he hoped that their expectations would be disappointed and exceeded; for it did not seem to him that even they were very positive as to its full competency to the end proposed. He even wished that every ship could be furnished with the cap of *Fortunatus* and the shield of *Hercules*; for he was persuaded, that in the present state of things some magical influence, would be found essential to enable them to effect their undertaking. He observed that at present, the wisdom or folly of the proposed measure, was mere matter of opinion, but the passage of the bill will furnish futurity with a complete experiment of its true character.

He intended to offer his reasons against the passage of the bill, not with a hope of making proselytes, but as a testimony of the real motives which influenced his opposition. With this view he should only mention some of the general impressions produced on his mind by this subject, without fatiguing the house with minute explications of them. The subject had presented itself to him in two points of view—1st. As affording a protection to our commerce against the Algerine depredations. 2d. As the foundation of a permanent naval establishment.

He could not help premising, that in the course of discussion the advocates of the bill, had censured its opponents with a want of disposition for the protection of commerce, whilst they claimed a monopoly of all good intention towards this object. He did not mean to derogate from the good intention of the favorers of the bill, but he believed its opponents possessed as pure a zeal for the protection and due encouragement of commerce, as its advocates. It is not a question, whether commerce is, or is not, to be protected; but whether the plan proposed be the most effectual and the least exceptionable, that can be devised for that purpose? The difference of opinion does not consist in the end to be produced; but in the means proposed to effect the end.

The first objection he should make to the bill, would be, the obvious inadequacy of the means contemplated, to effect the end proposed by them. The object proposed, is an effectual resistance not only to the whole present naval force of Algiers, but to their whole naval ability. The bill contains in itself essentially a declaration of war: our calculations therefore should be extended to the utmost limit of the naval ability of the hostile nation. The means to be employed consist of 4 frigates of 44 guns each, and 2 ships of 36 guns each. To decide with propriety upon the objection, this force should be compared with the naval ability of Algiers. He did not mean to go into a minute history of Algiers; he should only observe in general, that it was a populous country, that it had furnished at one time 100,000 fighting men, that its power at this day, was as great as at any preceding period; that they were a warlike people, accustomed to naval enterprises, and desperate in naval engagements; that for some time past, they had been subsidized for peace by almost every European nation; he could not help concluding from these circumstances that the naval ability of the nation either was or might, without any uncommon exertions, be rendered superior to four 44 gun frigates and two 36 gun ships, the force contemplated by the bill; and if the conclusions were just, the bill is unwise.

In the course of the debate it has been replied to the argument of the ability of the nation deduced from the number of men it has brought into the field; that the naval armament was not intended to attack the invincible militia of Algiers; this is true, but it is no refutation of the argument. The fact exhibits the ability of the nation upon land, and the inference from it has been, that if Algiers can exert such an ability upon land, by changing the direction of her ability, she would certainly furnish a force at sea greatly superior to the armament proposed. The history of her former naval exertions would also justify this conclusion. Providing this armament would naturally turn the attention of Algiers to the increase of her naval strength, and he doubted the policy of measures, which would produce that effect, without the United States were determined to enter into a competition for naval power, with the nations of Europe. Naval exertions have been carried to such excess, that there is scarcely any thing, which furnishes more scope for comparison. Several nations possessing a much greater naval strength than is contemplated by this bill, he believed, were at war with Algiers at this moment, yet her corsairs swim in the ocean regardless of their enemy, and hardly recollecting that they are in a state of war. He thought it unsafe to calculate upon any peculiar invincibility in the armament now proposed, and without such a quality although he hoped their efficacy, yet he feared their inefficacy.

He should fear the result, if the contest in other respects were to be upon equal terms, but that will not be the case. The armament will meet with peculiar embarrassment from the expected scene of action. They are to act 3,000 miles from home without the guarantee or even the prospect of a friendly port, they are to continue the whole year upon their station, and to be subject to attack whenever the enemy may think proper, they will also be continually exposed to a tempestuous ocean; under these circumstances they must act upon the most disadvantageous terms, which will lessen extremely their prospect of success. The advocates of the bill have admitted the necessity of finding some friendly ports in the Mediterranean seas, and several have been mentioned, Carthage, Gibraltar, &c. &c. but their hopes appeared to him to be wholly chimerical.

He did not know how far it might be proper to have reference to confidential communications, to present this part of the subject in its true light. He thought however, he might be permitted to mention in general, that it has been *officially* communicated to the House, that the truce with Algiers, which has produced the injury to our commerce, against which the present remedy is directed, is part of the system of the combination against France. The mildest apology from Great Britain, for her interposition, has been, to enable Portugal to act more efficaciously in the common cause of despots. Other effects, equally important to that end, will result, and no doubt, were taken into the estimate. They all may resolve themselves into the embarrassments produced to our commerce. This information cannot be questioned. If then the Algerine truce be part of the system of the combination against France, is it probable, that the combined powers, will afford their ports for the protection of an armament, intended to interrupt and destroy that part of the system; May it not rather be inferred, that they will send their aid to their *allies*, the *Algerines*, to destroy the force sent against them? Have we hopes against this natural and obvious consequence, from the good dispositions of the combined powers towards us? Have we any hopes from their inability, to effect the object? For his part, he thought it was in vain to hope for a contrary result. From these reflections, occurs another obvious objection to the measure, its direct tendency to war. Upon another occasion it has been said, that *Great Britain particularly*, is irritable towards us, and all measures ought to be avoided, which might tend to increase the irritability. It really has become a question for this House, for all America, to determine, and particularly the lovers of peace, whether a naval armament, calculated to resist part of the system of the combination against France, and destined to act in the very scene of war; or imposing higher duties upon some articles of imports, and making an act for the regulation of our own navigation, possess the greatest tendency to war?

For his part, if the proposed armament should be provided, he had but one consolation against this palpable effect of it.—But that consolation furnished the strongest argument against the measure. The trees are now growing, out of which the