

A motion was made to insert thirty-four thousand, instead of thirty thousand. The question being put on this motion, it passed in the negative. Yeas, 21. Nays 38.—The yeas and nays being demanded, those who voted in the affirmative are as follow: Fisher Ames, John B. Ashe, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Aaron Kitchell, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, and Artemas Ward.

Those who voted in the negative are, Abraham Baldwin, Egbert Benson, John Brown, William Findley, Elbridge Gerry, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Daniel Huger, Israel Jacobs, John W. Kittera, John Lawrance, Amasa Learned, Richard B. Lee, Nathaniel Macon, James Madison, Andrew Moore, F. A. Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridane, Thomas Sumpter, Peter Silvester, Thomas Tredwell, Thomas T. Tucker, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

The second amendment was, that upon the return of the census of the inhabitants of South-Carolina, the President of the United States shall notify the executive of said state of the number of representatives therein to be elected, according to the proportion aforesaid of one representative for every thirty thousand inhabitants; which being read, was agreed to, and ordered to be engrossed, and read the third time to-morrow.

According to the order of the day, the house resolved itself into a committee of the whole on the report of the committee of elections, relative to Mr. Pinkney's resignation, and Mr. Mercer's certificate of election in his room, from the executive of the state of Maryland.

A great deal of debate took place, relative, first, to any legal obligation Mr. Pinkney might be supposed to lie under to the acceptance of his appointment to a seat in the house of representatives; and, secondly, in respect to the constitutionality of Mr. Mercer's election.

In the opinion of several speakers, Mr. Pinkney was not bound by the words of the constitution to accept his appointment; that any obligation on that score could only be remotely deduced by implication, and that unless the right of resignation had been denied expressly in the constitution, Mr. Pinkney was independent of any compulsion of this kind. He had infringed upon no contract; and tho' it was in the power of the house to inflict a penalty on such occasions, no rule for that purpose had as yet been established; and therefore Mr. Pinkney had been left perfectly at his liberty in this matter, to act as he pleased. Mr. Pinkney's case appeared to them to be plain and simple; they could see no inconveniences likely to arise from accepting his resignation, and hoped the report of the committee would be adopted.

After some time spent in further debating on this subject, the chairman of the committee reported an amendment, which report and amendment were twice read, and agreed to by the house, and are as follow:

"It appears that at an election held for the state of Maryland on the first day of October, 1790, William Pinkney was duly elected a representative for that state, to serve in the House of Representatives of the United States.

"That the certificate of his election has been duly transmitted by the executive thereof, and heretofore so reported by your committee.

"That, by letter dated the twenty-sixth of September, 1791, directed to the governor and council of that state, William Pinkney resigned that appointment; and that, in consequence of such resignation, the executive issued a writ for an election, to supply the vacancy thereby occasioned, and have certified that John Francis Mercer was duly elected, by virtue of that writ, in pursuance of the law of the state of Maryland in that case provided,

"Resolved, That it is the opinion of this committee, that John Francis Mercer is entitled to take a seat in this house, as one of the representatives for the state of Maryland, in the room of William Pinkney."

Adjourned.

THURSDAY, NOV. 24.

The petition of Jacob Brandt was read, praying relief in consideration of a wound received in the American navy during the war.

A petition of Catharine Schreinmaker, praying to receive certain arrears of pay and depreciation which were due to her late husband, Francis Schreinmaker, serjeant-major in the late army.

A petition of Margaret Sweyer, praying reimbursement for advances made by her husband, Henry Allis, deceased, (late a captain in the army) on account of the United States; and also praying that the half-pay of the deceased may be extended to her, and the orphan children of said Allis.

The above petitions were, severally, referred to the Secretary at War.

A petition of Beverly Winflow and Joseph Hawkins, was read, praying reimbursement for advances made and supplies furnished to the convention troops and guards at the barracks at Albemarle, in Virginia, in the late war.

A petition of William Arnold, praying renewal of a loan-office certificate, his property, destroyed by fire.

Referred, severally, to the Secretary of the Treasury, for report.

A petition of Hendrick Doyer, Geneva distiller, in New-York, praying that the act for laying a duty on distilled spirits may be so modified and amended, that the duty on Geneva imported from abroad, may be augmented; and the duty on the said article, distilled within the United States, reduced.—Referred to the Secretary of the Treasury, for his information.

Mr. Dayton, from the committee, presented a bill to extend the time limited for the settling the accounts of the United States, with the particular states.—Read a first and second time, and committed to a committee of the whole on Tuesday next.

Mr. White, from the committee, presented a bill to regulate trade and intercourse with the Indian tribes.—read a first and second time, and committed to a committee of the whole on Monday next.

The engrossed bill, apportioning the representation of the people of the United States, according to the first enumeration, (of one representative to thirty thousand inhabitants) was read the third time; and on the question being put, it was carried in the affirmative:—YEAS 43—NAYS 12.

Ordered that the Clerk carry the said bill to the Senate for their concurrence.

According to the order of the day, the House then resolved itself into a committee of the whole, on the committee's report relative to James Jackson's petition, complaining of the undue election and return of Anthony Wayne, from Georgia.—Mr. Muhlenberg in the Chair.

Before any of the resolutions was taken into consideration,

Mr. Wayne rose, and observed, that about eleven months were now elapsed, since the election, which is at present called in question, had taken place;—that the House was already upwards of four weeks in session;—that the petitioner must surely have had time sufficient to come forward, at the first meeting of the House, to support the charges contained in his petition;—that it could hardly be imagined, the want of time prevented him from advancing—no!—it was rather to be supposed, that he was kept back by the want of evidence, to substantiate those charges; and perhaps by the expectation of procuring a majority in the legislature of Georgia, to countenance his claims:—these were facts, which, he believed, were not unknown to some gentlemen in the House:—the same arts, the same practices, the same manœuvres, which had procured a presentment from the grand jury, against the election in question, and even against some of the acts of the general Government, might perhaps be expected to prevail at length with the legislative body.

The news-papers (he observed) have teemed, on this occasion, with testimonies and affidavits, procured during several months past:—as to the manner,

in which they had been obtained, that, he said, was a subject of investigation for a future day:—some of them were under the signatures of persons, who had never read, nor were capable of reading them:—he felt for the situation of some of those individuals, as they were already presented for perjury on that occasion.

He declared that he entertained not the most distant desire to procrastinate an enquiry into the merits of the election:—but he must observe, that it could not but be obvious to every gentleman on the floor, that no other country in the world would countenance the mode in which Mr. Jackson had proceeded, by the publication of *ex-parte* evidence, on a subject, that was to come under the investigation of the House.

He concluded by declaring his unwillingness to trespass on the time of the committee:—he would therefore only beg leave to recapitulate, that eleven months were elapsed, since the election took place; and that the petitioner had, ever since, been industriously employed in procuring evidence:—if the committee should be disposed to indulge the gentleman with further time for that purpose, he would not, for his part, make the smallest objection to granting him that indulgence: should they think proper to adopt the report now under consideration, which seemed to contemplate and even to invite the advances of that gentleman, he would have no objection to meet him upon that ground, or upon any other, provided it were honorable ground.

The Speaker then resumed the chair, and Mr. Muhlenberg reported, that the committee had taken the report into consideration, and made progress therein.

Resolved, That the House will again, to-morrow, take the report into consideration. Adjourned.

FRIDAY, NOV. 25.

Mr. PHILIP KEY, a new member from Maryland, appeared and took his seat.

Mr. Wadsworth, from the committee, presented a bill for making compensation to widows, orphans, and invalids, in certain cases.

Read a first and second time, and committed to a committee of the whole House on Monday next.

Mr. Wadsworth, from the committee for compensations for invalids, &c. presented a bill for the relief of David Cooke.

A petition of William Dolby was read, praying relief in consideration of a wound received, in the United States' service, during the war.

Also a petition of Alice Weir, late relief of lieutenant Samuel Kenny, deceased, praying to receive the pay due to her said husband, who died in captivity with the enemy, during the war.

A memorial of John Elliot and Abner Prior, praying farther compensation for their services, as surgeons-mates in the late army of the United States.

Referred severally to the Secretary at War, to report thereon.

According to the order of the day, the House, in committee of the whole, resumed the consideration of the report of the select committee, on the contested election of Anthony Wayne, from Georgia.

After some debate on this subject, the committee rose, and reported amendments to the said report, which were read, and, in part, agreed to.

The report being further amended, and the question put thereupon, was agreed to, as follows:

Resolved, That the first Monday of February next be assigned for the trial of the articles alleged in the said petition against the said return.

Resolved, That the evidence, which may be offered on the part of the petitioner, shall be confined to the proof of the articles of charge exhibited in the said petition, against the validity of the return of the said election.

Resolved, That on the trial, the deposition of a witness shall be received, which shall have been taken more than twenty-five days prior to the day assigned for the trial, before any justice or judge of the courts of the United States, or before any chancellor, justice or judge of a supreme or superior court, mayor, or chief magistrate of a city, or judge of a county court, or court of common pleas of any of the United States, not being of counsel or attorney to either

the said Anthony Wayne or the petitioner: Provided, That a notification from the magistrate, before whom the deposition is to be taken, to the adverse party, to be present at the taking the same, and to put interrogatories, if he think fit, shall have been first made out and served on the adverse party, or his attorney specially authorized for the purpose, as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance, after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And every person deposing shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth; and shall subscribe the testimony by him or her given, after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken, together with a certificate of the notice, if any, given to the adverse party, or his attorney, shall be sealed up by the said magistrate and directed to the Speaker. Provided nevertheless, that no *ex-parte* deposition shall be used on the trial of the said petition, which shall have been taken at any time before the 26th day of December next. Provided also, That evidence taken in any other manner than is herein before directed, and not objected to by the parties, may, with the approbation of the House, be produced on the trial.

The several orders of the day were further postponed until Monday next. Adjourned.

P A R I S, Sept. 9.

Last night count Lichtenstein arrived here from Vienna, charged with dispatches from the emperor, and, as it is believed, with the important result of the interviews which have been held there on the subject of France. While the public are daily agitated with alarming notices of armies marching, magazines forming, and treaties made to counteract the revolution, the intelligent politician observes, that a more prudent policy governs the councils of Germany, and that, profiting by the lesson of France, the emperor and the king of Prussia have determined to take the only means of avoiding the introduction of the French disease, namely, that of reducing their enormous armies, and by a thorough economy in all the departments of their expence, to ease the burthens of the people, and turn them to objects of industry and manufacture. It is said, that the reduction of their armies is to be carried to 100,000 men each, and to much the yoke under which the empire groans is to be lightened. All this is to be set down to the credit of the French revolution.

L O N D O N, September, 10.  
EXCULPATION of the CHURCH.

As an idea has pretty generally prevailed, that some of the clergy of the church of England have been busy in fomenting that spirit which has broke out into such illegal violences against Dr. Pricstley, and his dissenting Friends, we are happy to find it completely obviated by the following Address, which breathes a spirit of liberality and good sense that is truly edifying. We rejoice, that the clergy have taken so proper a step; and hope, that however appearances may have favoured the idea of their having exulted in the late events, they will now be entirely excused by the candour of a discerning public.

Address, not yet signed, from the Bishops and Clergy of the Church of England to the Rev. Dr. Pricstley.

WHEN outrages against the public peace have been committed, which bear the strongest presumptive marks of having been fomented by a particular body of men, it becomes all of that body who possess the sentiments of moderation and justice to enter their protest against such outrages, and to disclaim the authors and abettors of them. We, therefore, the ministers of the Gospel of peace, think it our duty to express our regret and indignation that the cause of the church of England has been made the pretext for disturbing the peace of society, violating the property, and endangering the lives of individuals, and disgracing our country in the eyes of all Europe. We have to lament, that there still exists so much of the spirit of bigotry, and that our pious labours have failed of enlightning the people in so material a point. With regard to yourself, Sir, we cannot be insensible to the enmity you bear against our hierarchy, and we shall be glad to see you silenced by your answerers, but we would not have you burnt by the mob. We owe you no affection, but we conceive we have no right to do you injury. We enjoy too much ourselves from the favour and protection of the law, to wish to throw down its fences; and we are sensible that when our own houses are of glass, it would be bad policy in us to begin breaking of windows. We beg you to believe that, as most of us have studied at the University, we are able to understand a figure of speech, and