AMERICAN HISTORY.

The Foundation of the United States Government.

A Contemporaneous Record of Extreme Importance.

Written Daily with Perfect Candor and Unreserve,

Being the Private Journal of WILLIAM MACLAY, United States Senator from Pennsylvania in the First Congress, 1789–1791, Now First Published in Its Entirety, Unabridged.

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[1791—CONTINUED.]

Sunday, Feb. 6.—Attended meeting and wrote letters to Harrisburg and home to my family. On the 3d of March Congress will rise. I have written for my mare to be here against that day, and from deceit, dissimulation, and ambition; from mere artificial life, from whence both truth and sincerity are banished, I will go and meet nature, love, affection, and sincerity in the embraces of my wife and dear children.

Feb. 7.—Attended at the Hall. Mr. King (Senator, New York) made one of his curious speeches. He said the minutes were wrong and he wished to correct them. The report, which was ordered to be printed on Saturday, he wished to be postponed to the 28th of December next, and corrected the minutes of Saturday to read so. This same King is a singular man. Under the idea of correcting the minutes he introduces matter totally new. It is not correcting matter of form, but total alteration and adjection of new matter. I opposed him, and certainly he ought to be ashamed of the measure; and yet it was carried, but amended afterward and placed nearer the truth.

There certainly is a design of quarrelling with France, and that Jefferson should seem to countenance this! What can this mean? I am really astonished at all this. I think I must be mistaken, and yet to think so is to disbelieve my senses. And what can I do? I have attempted everything and effected nothing, unless it be to render myself an object of aversion. For well indeed speaks the poet:

> Truths would you teach, or save a sinking land,
> All fear, none aid you, and few understand.

Tuesday, Feb. 8.—The Senate met. The appropriation bill had the last reading. There was a pause about taking up the excise bill, like people pausing on the brink of a precipice, afraid to take the dangerous leap. However, it was at length attempted, and we blundered to the fourth section. Objections had been made to this section, and it was expected the committee would alter it. They have done so with a vengeance. It now runs that there shall be an inspector-general over a district, the district to be divided into surveys, and an inspector to be set over each survey who shall appoint people under him to do the business. As many of them to be appointed as the President shall think proper, and he shall pay them, too. The members by degrees stole away. The men who did so showed their disapprobation in their looks. It is in vain. Our Government cannot stand. All my opposition has been considered as vain babbling. But to get quit of it in some degree, the business of commitment has taken place, and now the majority have a kind of scapegoat in the committee, and a pretext for following them and disregarding opposition under the idle idea of their knowing best, having consulted Hamilton, &c., &c.

How abandoned is the conduct of these men. Abuse, rail at, ridicule, and traduce the European systems of excise as much as you will; demonstrate their absurdity, villainy, and deplorable effect on society as much as you please. 'Tis all right. They echo every sentence. Ours is no such thing in their language; quite innocent and harmless. Yet such is the indolence of Hamilton and his adherents that they will not even use the guise of different terms or words to conduct the copy. Nor will they stop till, perhaps, as in Britain, ten men may be employed to guard one distillery.

Wednesday, Feb. 9.—Attended at the Hall this day and was, perhaps, never more vexed. Were eloquence personified and reason flowed from her tongue, her talents would be in vain in our Assembly; or, in other words, when all the business is done in dark cabals on the principle of interested management. The excise bill has passed and a pretty business it is. The Ministry foresee opposition and are preparing to resist it by a band, nay, a host, of revenue officers. It is put into the power of the President to make as many districts, appoint as many general surveyors and as many inspectors of surveys as he pleases, and thus multiply force to bear down all before him. War and bloodshed is the most likely consequence of all this. Congress may go home. Mr. Hamilton (Secretary of the Treasury) is all powerful and fails in nothing he attempts. Little avail as I was sure it would be of, I nevertheless endeavored not to be wanting in duty, and told them plainly of the precipice which I considered them as having approached; that the Legislature of Pennsylvania had been obliged to wink at the violation of her excise laws in the western parts of the State ever since the Revolution; that, in my opinion, it could not be enforced by collectors or civil officers of any kind, be they ever so numerous; and that nothing short of a permanent military force could effect it. This, for aught I knew, might be acceptable to some characters. I could answer for myself that I did not wish it, and would avoid every measure that tended to make it necessary.

Thursday, Feb. 10.—I returned home this day from the Senate chamber more fretted and more off the center of good humor than ever I did in my life. I really was ready to pray: "Lord, deliver us from rascals." I cannot have charity enough to believe that the prevailing party in our Senate are honest men. Some letters, however, have come in since yesterday from New England. Neither Strong (Senator, Massachusetts) was willing to move the reductions wanted. After the bill was read over and ready for the question Foster (Senator, Rhode Island) moved a reduction of three cents on the distillations from molasses, &c., &c., rose and seconded himself on condition of his extending the motion through all the distillations in the United States and a reduction to forty cents on the contents of the stills.

King (Senator, N. Y.) objected to the lessening of the ratio as productive of deficiencies in the revenue demanded. I showed, in answer, that the importation into the port of Philadelphia, and the same expected from the stills in this state, would go in a great way toward raising one half of the $825,000 demanded by the Secretary.

Ellsworth (Senator, Connecticut) answered, with rudeness, that I was mistaken; that the Secretary demanded a million and a half. I replied by reading part of the Secretary's report, which confirmed the position I had made an I repeated my other arguments. He did not reply.

At half after three the question was ready to be put. Henry (Senator, Maryland) told me he had a bet depending with Butler (Senator, South Carolina) on the division of the House, and desired the yeas and nays. I heeded not this excuse, and called sharply for the yeas and nays. With all their strength they were startled; and on got King, and round and round, and about and about; one while committed; then recommitted; then postponed. Ellsworth, too had the world and all to say: and now, in fact, they are afraid of the figure they have raised; and the fourth section was recommitted. This whole day Mr. Morris (Senator, Pennsylvania) was against me, in the voting way; sat quite away back from me, but spoke none either way.

February 11.—I find this day that the reason for recommitting the excise bill was to enable Hamilton to come forward with some new schemes. Three new clauses were brought forward, and all from the Treasury. The obnoxious one to me, at least, was the putting it in the power of the President to form districts by cutting up States so as to pay no respect to their boundaries. This was continued by verbal. For fear of the little States taking any alarm, it stood by adding "from the great to the lesser States." This may not adopted. And having been successful so far, King got up and talked about trade and navigation. He wanted the United States divided into a number of districts, independent of any State boundaries. Like an Indian at the war post he wrought himself into a passion; declared that we "had no right to pay any more attention to the State boundaries than to the boundaries of the Cham of Tartary."

When he had spouted his froth on this subject up got Ellsworth (Senator, Connecticut) and echoed most of what he said, but said he wished only three great districts, and the President might subdivide each into six. When he had done up got Mr. Morris (Senator, Pennsylvania) and declared himself in sentiment with Mr. King and spoke against the convenience of the State boundaries.

King arose again, repeated his old arguments, and wished for an opportunity for taking a question on the principle of dividing the United States without any regard to their boundaries. At length out of his pocket comes a resolution. It imported that the United States should be divided into six districts; two east of the Hudson, two from that of the Potowmac, and two from that southward, or words to that import; and that the President should subdivide these into surveys, &c. This pretty bill was, after all, negatived.

Annihilation of State government is undoubtedly the object of these people. The late conduct of our State Legislature has provoked them beyond all bounds. They have created an Indian war that an army may spring out of it, and the trifling affair of our having eleven captives at Algiers (who ought long ago to have been ransomed) is made the pretext for going to war with them, and fitting out a fleet. With these two engines, and the collateral aid derived from a host of revenue officers, jarewell freedom in America. Gently, indeed, did I touch it in argument; but is not a motion for the destruction of the individuality of the States, treason against the duty of a Senator, and from the nature of his appointment, ought to be guardian of the State right. The little I said, however, I believe raised a goblin that frightened them from the project, at least for this time.

Feb. 12.—This day we passed the excise law; a pretty piece of business it is. I found there was an unwillingness in many of the members to have the yeas and nays. I, however, called them sharply, and enough rose, and I had the pleasure of giving my decided negative against what I conceive to be the box of Pandora with regard to the happiness of America.

The communications came in this morning respecting the Indian affairs and the bill as ordered to be printed. As we came down stairs Dr. Johnson (Senator, Connecticut) spoke with great joy. No, said he, all is over, and the business is complete. We have a revenue that will support the Government and every necessary measure of Government. We have now the necessary support for national measures, &c., &c. I told him we might perhaps yet hope that the high demands we had made would raise opposition, and that opposition might endanger the Government. He seemed a little struck. I repeated that the Government might, and perhaps would fall by her overexertion to obtain support.

THE DOCTOR TALKS.

I called this evening at Boyd's. I found Gallatin and Beard and James Finley. I told them I wished to hear them speak freely on the defence of the frontiers. Some desultory discourse passed. I sat awhile, and Dr. Hutchinson came in, greasy as a skin of oil and pulling like a purpose. This must certainly be a dirty fellow if external appearances do not much belie mental management and internal intention. Fame fixes them on the same footing. And I fancy for once she has not sounded a false note. He had a great tale to battle over, quite new, quite à la Doctor, quite medical. Is the town sickly, Doctor? No, no; yes, yes, for the season. Accident, accident; half a family struck down. They had fed on pheasant yesterday. All who had eaten affected; all the doctors called; discharged the offensive food; recovered; the craws of the pheasant examined; laurel leaves found in them. The death of Judge Bryan explained; he and his wife ate pheasant; both felt torpid; she vomited; he died. And thus we were entertained with the belchings of this bag of blubber for half an hour. I took my hat and left them.

I had come but a few steps when I met Mr. W. Finley; told him I had called to talk on the subject of the western war with the Indians; that although the management would be in different hands, yet the means must be furnished, and we, the Senate, in some measure necessary to contemplate the mode. He immediately quit the subject and got at the excise. It must be submitted to; great credit to the general Government; very honorable management to raise the debts to their full value, &c., &c. In short, I believe he forgot himself or the company he was in. I begged pardon for stopping him in the street and left him. He chose to let me know of his communications with Gen. Knox and other great men, &c., &c.

RELIGION UNMERCIFULLY HANDLED.

Sunday, Feb. 13.—I went to a meeting at Market street. Came home. The day rather disagreeable in the afternoon, and I stayed at home the residue of the day. I had made a remark here which I think it best to erase. Spent the day mostly in reading. Went, however, down stairs; found a large company; the subject was religion, and most unmercifully was it handled. The point which was attempted to be established was that the whole was craft and imposition; that all our objects were before us—believe what you see; observe the fraud and endless mischiefs of ecclesiastics in every age, &c. Few of the historic facts which they adduced could be refuted, but, by way of opposition, Luther's Reformation was mentioned. It was easily answered that had there been no abuse they needed no reformation. But a further remark was suggested—that Luther was a mere political machine in the hands of those German princes who could no longer bear to see their subjects pillaged by Roman rapacity. The doctrine was, pay for indulgences and purchase salvation with good works, alias money. The new doctrine was faith is better than cash; only believe, and save your money. It need not be doubted that the new doctrine was on this account more acceptable to both prince and people. Luther, however, had Scripture with him.

Another position I thought still less tenable; that man was but the first animal in nature, that he became so by the feelings of his fingers and hence all his faculties. Give, said they, only a hand to a horse, he would rival all the human powers. This I know to be groundless. The possum, from its feeble, harmless, and helpless faculties, is almost extinct in Pennsylvania, and yet one that I killed on the island at Juniata had as complete a hand, with four fingers and a thumb, as one of the human species.

THE TREATY WITH ENGLAND ARRIVES.

Feb. 14.—'Tis done. I doubt no longer. This day came in a bulky communication from the President. The amount was the result of a negotiation carried on by his order with the court of Great Britain through the agency of Gov. Morris. From the letters of Gov. Morris it appears that the vote against discrimination which has involved us in difficulties with France was the work of the President, avowedly procured his influence; and that he did it to facilitate a connection with Great Britain, thus offering direct offence to France and incurring the contempt of Britain, for she has spurned every overture made to her. And now the result is, I suppose, a war with Great Britain; at least these troops are, as I suppose, meant to wrest the posts from her. She will resist. Reprisals at sea will take place, and all the calamities of war ensue.

It is with difficulty that I refrain from giving the most severe language to some of our Senators. King (Senator, New York) said the opponents of the Constitution did not see the ground on which to attack it. The business was now complete. We need not care for opposition. Henry (Senator, Maryland) joined with him. He said the Constitution of the United States implied everything. It was a most admirable system. Thus did these heroes vapor and boast of their address in having cheated the people and establishing a form of government over them which none or them expected.

STATE RIGHTS.

I will here leave a blank to copy Gen. Washington's letters in. Perhaps this is wrong, for I never can contemplate the insult offered to France, "to procure more agreeable arrangements," without feeling resentment.

The system laid down by these gentlemen was avowedly as follows, or, rather, the development of the designs of a certain party:

The general power to carry the Constitution into effect by a constructive interpretation would extend to every case that Congress may deem necessary or expedient. Should the very worse thing happen, viz.: the claim of any of the States to any of the powers exercised by the general Government, such claim will be treated with contempt. The men of the United States will be held paramount to all their laws, claims, and even Constitutions. The supreme power is with the general Government to decide in this, as in everything else, for the States have neglected to secure any umpire or mode of decision in case of differences between them. Nor is there any point in the Constitution for them to rally under. They may give an opinion, but the opinion of the general Government must prevail, &c. The consequence, this unguarded bias rendered the general Government completely uncontrollable. With a sleep and army, which the first war must give us, all future will be chimerical.

I ventured to dissent from these political heresies by declaring that the people themselves would guard the place that the right of judging with respect to encroachments still remained with the people; it was originally with them, and they never had divested themselves of it.

With all their art, however, since they now confess their views, I think they have made but a bungling hand of it. The old Congress had no power over individuals and, of course, no system of consolidation could take place. The signatures or requisitory power were over States only. The new Constitution, by the instrumentality of the judiciary, &c., aims at the government of individuals, and the States, unless as to the conceded points, and with regard to their individual sovereignty and independence, are left upon stronger ground than formerly, and it can only be by implication or inference that the general Government can exercise control over them as States. Any direct and open attack would be treason and insurrection. But whether the general influence and encroachments of the general Government may not gradually swallow up the State governments, is another matter.

THE INSULT OFFERED TO FRANCE.

Feb. 15.—This day was rather unimportant in the Senate. Mr. Morris (Senator, Pennsylvania) labored, in private with me this day to get me to join him in postponing the complaints of the French court. The President, Washington, although it is undeniable that it was through his instrumentality the offence was given to France, yet now wishes all this done away; the breach made up with France, and the resentment shown to England. The measures are right, but his motives wrong. Never should the paths of rectitude be forsaken. Had the President left Congress to themselves the discrimination would have obtained, and as the discrimination had heretofore obtained by the State laws, England would have taken no umbrage, and we should have experienced no interruption of harmony with France. Unless we repeal the law we lose forever the friendship of France. And even after repealing it the confidence of France in us will be impaired, as she may attribute our first motives to ingratitude and our last to fear. Continuing the law will have no effect on Britain, as she has already treated Gen. Washington's application with contempt, but a repeal of it will be followed with resentment. This we will have to submit to and ought not to regard.

King (Senator, New York) delivered an opinion that Executive papers should be delivered to the President's private secretary. It was evident he alluded to the communications of ministers from France, and to the strictures passed on them. No vote was taken on the subject, but I have hitherto been unsuccessful in endeavoring to lay my hands on them.

VIRGINIA WANTS HALF OF THE TEN MILES SQUARE.

Feb. 16.—Engaged this morning in unimportant matters about the land office and other plans.

After Senate met, Mr. Carroll (Senator, Maryland) moved, or leave to bring in a bill supplementary to the Residence bill. The matter, I believe, stands thus, in fact: Virginia is not fully satisfied without having half of the ten miles square. She gives the $120,000, perhaps, in ratio, for the very purpose of having Alexandria included. This cannot be done without the supplementary law which is now applied for. I spoke to Mr. Morris and gave him my thoughts on this matter. He made a just observation: "There will be people enough to manage this affair without your interference." The rule demands one day's notice to be given for bringing in a bill. Carroll (Senator, Maryland) withdrew his motion on being told of this, but afterward hoped that the Senate would indulge him by common consent. Ellsworth, however, said it had better lay over one day.

My friend on the subject of resolution told me that he had some conversation on that subject with the Speaker of the State Senate. The result was that they would soon elect (*i. e.*, a new Senator); could he found him wavering, but on the whole considered him as friendly. I had business out, and called on Mr. Montgomery; told him that the agricultural interest of Pennsylvania ought to unite; that it was the property of the city to desire the Finley and myself and run in Bingham; at least, this was the game he was playing. He agreed with me. Mr. Smilie soon after called on me. He spoke more harshly of Finley, particularly of his insufferable vanity, than ever I heard any one do before. He promised he would call on me.

I returned to the Senate. Found the draughts of Gen. Harmer's expedition before the committee. They look finely on paper, but were we to view the green bones and scattered fragments of our defeat on the actual field, it would leave very different ideas on our minds. This is a vile business and must be much viler. I believe I ought not to vote for any of the new bill.

Feb. 17.—This day Mr. Carroll's motion for the amendatory act respecting the Potowmack was to be taken up. Mr. Morris (Senator, Pennsylvania) was very late in coming. It is remarkably singular that I never knew him otherwise when a debate was expected. However, when he had taught away for his lady leave to bring in the bill, I confess, to my astonishment, I saw him considerably embarrassed. How noble it is to be independent.

AN ARMY TO PROTECT CONGRESS FROM THE PEOPLE.

Leave was obtained, and the bill read. The Military bill was reported with amendments much longer than itself. They were ordered to be printed. I shall undoubtedly vote against the augmentation of the troops. The war is undertaken without the shadow of authority from Congress, and this war is the pretext for raising an army meant to awe our citizens into submission. Fitzsimons (Representative, Pennsylvania) has been heard declaring that 1,000 men would avenge the insults offered to Congress. Where are these things to end? By the "insult offered to Congress" is meant the State deliberations, &c., respecting the excise. But I can already plainly see that all this matter will vanish in air. Finley, Gallatin, Smilie, Montgomery, in fact all the industrious of the business, having nothing further in view than the securing themselves niches in the six-dollar temple of Congress (the pay of Senators and Representatives being 6 per day), and then popular measures are only meant as the step leading to facilitate their assent. I confess I have been more than once taken in with the sunshine of some of their speeches in my favor, but actions are louder than words. I have differed beyond the power of reconciliation with the citizens and high flying Federalists on account of the sunshine they has been my motive. If the old constitutional party were really patriots they would glory in taking me up. This, however, is not the case and I am greatly mistaken if they do not lord it with as high a hand as the democratic party, should they get into Congress, as the present majority, and perhaps even there we may not hear a word against the excise.

THE PEOPLE HAD BEEN DISAPPOINTED.

Feb. 18.—A number of communications were handed in respecting the appointment of David Humphreys, resident at the court of Portugal. The President sends first, and asks our advice afterward.

Now Carroll's (Senator, Maryland) amendatory bill was called up. It was debated with temper, but a good deal of trifling discourse was kept up. At last I had determined to say nothing upon the subject. I, however, changed my mind and made the following remarks:

So far as I had the opportunity of knowing the public mind the expectations of the people had been disappointed. A belief had obtained that the President would appoint three commissioners, who, under his direction would lay out the ten miles square. I did not call it in question but he had done himself what such I have been told by others under his direction. I would neither call in question but he did so. Let the measure rest on the law. If all was right it would support itself; if wrong, our mending it was improper, &c., &c.

Mr. Morris (Senator, Pennsylvania) followed me. I cannot not well collect his drift; but he said, with pretty strong emphasis, that if any one would move a postponement he would be for it. This hint was laid hold on by Langdon (Senator, New Hampshire) and Schuyler (Senator, New York) and a postponement (private) which was carried. Mr. Morris sustained a small attack from Gunn (Senator, South Carolina) for this as an indirect way of getting rid of the measure. Twice, however, did Mr. Morris declare he would vote for the bill if the question came on to-day. I think this kind of conduct ill judged, for the court will think as ill of him as they do of me, who voted dead against the measure from the beginning.

THOMAS JEFFERSON CALLS ON WILLIAM MACLAY.

Oh, I should note that Mr. Jefferson (Secretary of State), with more than Parisian politeness, waited on me at my chamber this morning. He talked politics, mostly the French difference and the whale fishery; but he touched the Potowmack, too, as much as to say, "There, oh, there."

Wednesday, 23d.—I have in general been so closely engaged that I have not had time to mind my diary or transactions. Indeed, unless I wish gratification to myself, there is no use in it, for no man has called on me for any information. On Friday the amendatory act was taken up and read and postponed for a week. Mr. Morris (Senator, Pennsylvania), Langdon (Senator, New Hampshire), and Schuyler (Senator, New York) voted for the postponement. They might as well have voted against the bill, for the postponement is equally ungrateful at court. Saturday we had communications from the President, &c., &c.

SENATOR MACLAY BRINGS DOWN THE WRATH OF HIS COLLEAGUE.

A most villainous bill (in my opinion) was committed to Gen. Dickenson, Wingate, and myself. It was for paying off at par $36,000 due to foreign officers. This was a domestic debt without a doubt. The bill went to pay it out of the funds appropriated to foreign debt. Entry it, however, of all coloring. It is to sanctify the most abandoned speculation. Some say the whole of it has already been brought up. I set myself to defeat it, and happily succeeded. The consequence is that I have all the Secretary's attention heaped upon me. I have already offended Knox and all his military arrangements; I have drowned Jefferson's regards in the Potowmack. Hamilton with his host of speculators is upon me, and they are not idle; the city Philadelphia must see Morris in a new point of view. Were I to give such a vote I certainly dared not walk the streets. Mr. Morris wishes his namesake, Governor, now in Europe, to return home. He thinks he will cut conspicuous station abroad. He has acted in a strange kind of capacity, half pimp, half envoy, or perhaps more properly a kind of eavesdropper about the British court for some time past. Ellsworth (Senator, Connecticut) laughed (Senator, New Hampshire) I am at no loss; the appointment of his brother Woodberry is sufficient explanation. Schuyler is the surprise; jack of his son-in-law Hamilton. Of Elmer (Senator, New Jersey) I know not what to say. I only know I have been told he had (Senator, Delaware) I have heretofore known him to have been shaken by something else besides the wind.

Saturday, Feb. 20.—The third reading was given to the three detestable bills of yesterday, and the last hand was put to the detested excise law. All of these, however, were condemned as tries in political infinity.

For weeks has the report of the committee on the French complaints lain dormant. Shame, I believe some hand is keeping them back. But now a steady phalanx appeared to support the report. I opposed it what I could, and contended against the alternatives in the report of the Secretary of State as exceptionable and objectionable, but all in vain. The report, with some variation, was adopted. I was the only one who voted boldly and decidedly against it. I have annexed the alternatives proposed by Jefferson and the resolutions of the committee and some of my observations in opposition to Ellsworth (Senator, Connecticut).

THE RESOLUTIONS OF JEFFERSON.

Resolved, As the opinion of the Senate, that the eighth article of the treaty of amity and commerce between the United States and His Most Christian Majesty is meant an illustration of the third and fourth articles of the same treaty by an application of the principles comprised in the last mentioned articles to the case stated in the former.

Second, That the Senate do advise an answer to be given to the court of France defending this construction in opposition to the said court, and at the same time explaining in the most friendly terms the difficulties arising from its execution; they on.

Second, If it be the opinion that it is advantageous for us to close with France in her interpretation of a reciprocal treaty, that we should be ready to make a great of so much of the tonnage law will be the answer.

That there has been a design to sacrifice French interest as a peace offering to the British court I cannot doubt; but that this should be persisted in after the disappointment attending Gouverneur Morris's management, is strange indeed. They blunder, I hope, in their hope to carry their point. Mr. Morris (Senator, Pennsylvania), a few days ago, asserted that we would, early this spring, have a Minister from Great Britain, and the papers have many accounts to the same purpose.

There is a system pursuing, the details of which I cannot well fathom, but I clearly see that the poor goddess of liberty is likely to be hunted out of this quarter, as well as the other quarters of the globe.

I deliberated much upon whether I should minute in any degree of accuracy the proceedings of this day. Hitherto delicacy has prevented me from keeping any memoranda of the executive or secret journal, but if I am ever to give any account of my conduct to the State Government, there is perhaps no part to which they will turn their eyes with more attention. I have another reason for secrecy on this subject, for I certainly never behaved so badly in my life.

AS TO THE FRENCH TREATY.

Mr. Ellsworth (Senator, Connecticut) opened: hoped this business would meet no further delay, as had been long on the table, and hoped that the resolutions would be adopted; that the members had full time to make up their minds, &c. I declared that opportunity as well as time was lacking, although the time had been long; some members had not had the opportunity; that I had collected often for a sight of the papers, but always experienced disappointment. That I had indeed seen the alternatives offered by the Secretary of State, and no more. That eminent as the Secretary was for abilities I could not truly approve of any of his alternatives. Hence I received a bend * and, of course, must be opposed to resolution which was engrafted on the first. To suppose that after having passed the third and fourth articles they were so obscure as to require a fifth by way of illustration is an absurdity that cannot obtain belief. The framers must have had a separate object in view consistent with their reputation as men of understanding, and so it clearly appeared to me.

To justify the construction I will read the articles. Here I read them, the third, "Grants certain rights, &c.," in trade, &c., to the subjects of the Christian king in the American ports with respect to duties and imposts. The fourth reciprocated these rights, &c., to the people of the United States in the French ports. Here I took the words "duties and imposts" in the strict and limited sense as applying to the impositions charged on the cargo, and to no other. The fifth article has an impositional clause for its object, which evidently was not considered as falling within the province of the third or fourth articles, viz., tonnage, a port charge which is laid on in proportion to her burden independent of cargo, and is charged whether she comes loaded or in ballast.

It is in fact the machine by which commercial nations encourage or discourage the shipping of their neighbors. I am ready to admit that the poverty or rather the want of precisness in commercial terms often confuses and confounds them together, but with these ideas something of this kind under plea of convenience by adding the eastern shore to the State of Delaware and indemnifying Maryland out of Virginia. Clouds of letters reprobated the measure. It would not do. The President is now put upon something of this kind—to alter the lines of the States, by taking from the larger and adding to the smaller—in his arrangement for collecting the excise. Will he really become the tool of his own Administration?

HAVE STATES THE RIGHT TO INSTRUCT THEIR SENATORS?

Thursday, Feb. 24.—This day nothing of moment engaged the Senate until the Virginia senators moved a resolution that the doors of the senate chamber should be opened on the first day of the next session, &c. They mentioned their instructions. This brought the subject of instructions from the different Legislatures into view.

Ellsworth said they amounted to no more than a wish, and ought to be no further regarded. Izard (Senator, South Carolina) said no Legislature had any right to instruct at all any more than the electors had a right to instruct the President of the United States. Mr. Morris followed; said Senators owed their existence to the Constitution; the Legislatures were only the machines to choose them; and was more violently opposed to instruction than any of them. We were Senators of the United States, and had nothing to do with one State more than another. Mr. Morris spoke with more violence than usual.

Perhaps I may be considered as imprudent, but I thought I would be wanting in the duty I owed the public if I sat silent and heard such doctrines without bearing my testimony against them. I declared I knew but two lines of conduct for legislators to move in: The one absolute volition, the other responsibility. The first was tyranny, the other inseparable from the idea of representation. Were we chosen with dictatorial powers, or were we sent forward as servants of the public to do their business? The latter, clearly, in my opinion. The first question then which presented itself was, what sort of instruments were what would they do? The answer, if known, was the rule of the Representative. Our Governments were avowedly republican. The question now before us had no respect to what was the best kind of government, but this I considered as genuine republicanism. As to the late conduct of the Legislature of Pennsylvania, I spoke with but few of them. I had no instruction from them, and, all things considered, I was happy that I had given my voice on a former occasion for it. The reasons which I gave then operated still in full force on my mind.

SHALL THE SENATE OPEN ITS DOORS?

The first was that I knew of no reason for keeping the door of any legislative assembly open that did not apply with equal force to us. The second was that I thought it a compliment due to the smallest State in the Union to indulge them in such request.

The opinions against it, viz., that the members would make speeches for the gallery and for the public papers, would be the fault of the members. If they waged war in words and oral combats; if they pitted themselves like cocks, or played the gladiator for the amusement of the idle and curious, the fault was theirs. That let who would fill the chairs of the Senate I hoped discretion would mark their deportment; that they would rise to impart knowledge and listen to obtain information; that while this line of conduct marked their debates it was totally immaterial whether thousands attended or there was not a single spectator.

This day Butler (Senator, South Carolina) handed forward a resolution for augmenting the salaries of all Federal officers of the different departments one-fourth. It is a great object to increase the Federal offices and salaries as much as possible, to make them marks for the ambitious to aim at. This single stratagem has carried the new Government on so far with increased rapidity.

Monday, Feb. 25.—This was a busy day in the Senate. We had a long communication from the President respecting the loan of three million florins, which, it seems, came at five and one-fourth per cent., the expenses of the negotiation being between four and five per cent. Jay was taken to task for altering the time of the meeting of Congress. The title was the same with that of a bill rejected the other day. But the former had the first Monday in November; this had the fourth Monday in December. The President declared that, as the day was different, the bill was a different bill. There might be as many bills as days in the year. It passed, but I confess I thought him wrong. Mr. Morris's vote (Senator, Pennsylvania) carried the bill. I spoke against it, but without effect.

Now we had the resolution for opening the doors. Nine votes were given for it and it was lost.

GOOD OFFICES FOR THE SENATOR'S FRIENDS.

And now came the Potowmack amendatory act. A postponement was moved, but Langdon (Senator, New Hampshire), Schuyler (Senator, New York), Elmer (Senator, New Jersey—Wetherill (Senator, Pennsylvania and Reed (Senator, Delaware) voted against the postponement and finally for the bill. This is astonishing indeed. It is plain the President has taught them. I know not their price, but that he immediately gave good opinion of Elmer once; it is with pain I retract it. I think the city Philadelphia must see Morris in a new point of view. Were I to give such a vote I certainly dared not walk the streets. Mr. Morris wishes his namesake, Governor, now in Europe, to return home. He thinks he will cut a conspicuous station abroad. He has acted in a strange kind of capacity, half pimp, half envoy, or perhaps more properly a kind of eavesdropper about the British court for some time past. Ellsworth (Senator, Connecticut) laughed (Senator, New Hampshire) I am at no loss; the appointment of his brother Woodberry is sufficient explanation. Schuyler is the surprise; jack of his son-in-law Hamilton. Of Elmer (Senator, New Jersey) I know not what to say. I only know I have been told he had (Senator, Delaware) I have heretofore known him to have been shaken by something else besides the wind.

Saturday, Feb. 26.—The third reading was given to the three detestable bills of yesterday, and the last hand was put to the detested excise law. All of these, however, were condemned as tries in political infinity.

For weeks has the report of the committee on the French complaints lain dormant. Shame, I believe some hand is keeping them back. But now a steady phalanx appeared to support the report. I opposed it what I could, and contended against the alternatives in the report of the Secretary of State as exceptionable and objectionable, but all in vain. The report, with some variation, was adopted. I was the only one who voted boldly and decidedly against it. I have annexed the alternatives proposed by Jefferson and the resolutions of the committee and some of my observations in opposition to Ellsworth (Senator, Connecticut).

THE RESOLUTIONS OF JEFFERSON.

Resolved, As the opinion of the Senate, that the eighth article of the treaty of amity and commerce between the United States and His Most Christian Majesty is meant an illustration of the third and fourth articles of the same treaty by an application of the principles comprised in the last mentioned articles to the case stated in the former.

Second, That the Senate do advise an answer to be given to the court of France defending this construction in opposition to the said court, and at the same time explaining in the most friendly terms the difficulties arising from its execution; they on.

Second, If it be the opinion that it is advantageous for us to close with France in her interpretation of a reciprocal treaty, that we should be ready to make a great of so much of the tonnage law will be the answer.

And with this view of the subject, which I am satisfied are correct, let us examine the fifth article. And the first feature that presents itself is a reciprocal design of augmenting and favoring the shipping of the contracting parties. Duties and imposts laid upon goods are taxes paid by the consumers. Tonnage is a tax on the ship. To lessen the tax on the shipping, or rather to do it away altogether, is in favor of naval property, and in this spirit ran the stipulation of the fifth article.

But if gentlemen will view them conjointly, what will be the sheet? Exemptions are generally stipulated between the contracting parties in the third and fourth articles. What says the fifth? In the above exemption is particularly comprised the imposition of ten sols per ton, &c., with the exception of the coasting trade to French vessels between ports of France, which the Americans are allowed to balance with a similar tonnage on French vessels coasting in the American ports. And even this coasting trade, tonnage is not to continue longer than the most favored nation enjoys it. What man undertake to say on seeing this article that the French can legally charge the tonnage of 100 sols or any greater or less tonnage on American vessels in their ports unless they become coasters consistent with treaty? I think not. If the French then, cannot on the principles of reciprocity, we cannot.

What, then, is to be done? Repeal the law, but upon a different principle from that held out by the Secretary either in his second or third alternatives. The second is sordid as having advantage for its basis; the third carries something like an airy insult, as much as to say, We are right, you are wrong, but take it; our good nature shall yield to your peevishness. Idea of compensation is worse infinitely. This is a sacrifice which the American nation is and will be bankrupt, to compensate the political salvation of America. France ought to be placed in the deplorable position which affected America (was it wisdom or folly?) when the new Constitution. It would be well for the future in such comparisons, to say nothing of national credit (which, by the by, I never considered as dependent on the prices current of certificates in the hands of speculators) for the loan of 1788 was done in Holland at 5 per cent., only postponed.

OPENING AND SLAMMING OF DOORS IN SENATE.

March 3.—As well might I write the rambles of Harlequin Ranger or the vagaries of a pantomime as to attempt to minute the business of this morning. What with the exits and the entrances of our this (Secretary of the Senate), the announcings and withdrawings of Jenkins and Lear (private secretaries to Washington) and the comings and goings of our committees of enrollment, &c., and the consequent running of doorkeepers, opening and slamming of doors, the House seemed in a continual hurricane. Speaking would have been idle, for nobody would or could hear. Had all the business been previously digested matter or form would have been of little consequence. This, however, was not the case. It was patching, piecing, altering, and even obliterating new business. It was, however, only for Ellsworth (Senator, Connecticut), King (Senator, New York), or some of Hamilton's people to rise, and the thing was generally done. But they had overshot themselves; for, owing to little unforseen impediments, there was no possibility of working all through and there was to be a great dinner which must absolutely be attended to. Terrible, indeed, but no alternative. The House must meet at 6 o'clock.

THE SENATE MET BY CANDLE LIGHT.

In the evening by candle light. When I saw the merry mood in which the Senate assembled I was ready to laugh.

When I considered the occasion I was almost disposed to give way to a very different emotion. I, however, neither laughed nor the other; and feeling myself of as little importance as I had ever done in my life, I took pen and paper and determined, if possible, to keep pace with the hurry of business as it passed. Which I expected would now be very rapid as I had no doubt that Hamilton's secretary of the Treasury, clerks had put the last hand to everything.

1. Mr. Beckley (the Clerk of the House of Representatives) announced that he brought a new resolve for the safe keeping of prisoners, &c.

2. A bill for compensation to Commissioners of Loans for extra expenses.

3. A salary bill for the executive officers, their clerks, and assistants.

4. Resolve for the President to lay before Congress an estimate of lands not claimed by Indians.

5. The mint resolve.

These obtained the signature of the President of the Senate (John Adams) and were sent off for the deliberation and approbation of the President. The prisoner resolve was agreed to and sent back to the Representatives by Otis.

6. Mr. Beckley: second message.

A new bill to carry into effect the convention with the French, &c. This business has been neglected. I had often spoken on the subject, but my influence was gone. I had, however, spoken to sundry members of the House of Representatives, and even at this late hour was happy to see the bill. To speak in the present uproar of business was like letting off a popgun in a thunder storm. But this was the merest matter of form possible. It was only giving the authority of law to a convention solemnly entered into with the French. My message accepted "No," on the second reading. I called for the yeas and nays, and not out of resentment, but merely with an exculpatory view if this conduct should draw on us the resentment of France, for I consider it disrespectful, if not more toward her and dishonorable in us.

7. Mr. Beckley: third message with the Pension, Invalid, and Lighthouse bills.

The committee reported the enrollment of the following acts:

8. For the maintenance of the Post Office.

9. For granting lands to the settlers at Vincennes, Illinois.

10. Supplementary act for the reduction of the public debt.

11. For granting compensation to judicial officers, witnesses, and jurymen.

These bills received the signature of the President of the Senate after being brought up by Mr. Beckley in his fourth message.

12. Who brought at the same time a new bill for the relief of David Cook? Twice heretofore has there been an attempt to smuggle this bill through in the crowd. It happened, however, to be smoked and rejected.

13. Mr. Beckley's fifth message brought a bill for making further provision for collection of duties on teas, &c., which received the signature, &c.

14. An enrolled resolve which also received the signature, &c.

There now was such confusion with Otis, Beckley, and Lear, our Committee of Enrollment, &c., that I confess I lost their arrangement. Indeed, I am not to believe, if they had any, they lost it themselves. They all agreed at last that the business was done. The President left the chair and the members scampered down stairs. I staid a moment to pack up my papers. Dalton (Senator, Massachusetts) alone came to me and said he supposed we two would not see each other soon. We exchanged wishes for mutual welfare. As I left the hall I gave it a look, with that kind of satisfaction which a man feels on leaving a place where he has been ill at ease, being fully satisfied that many a culprit has served two years at the wheelbarrow without feeling half the pain and mortification that I experienced in my honorable station.

[END OF THE JOURNAL.]

THE NEWSBOY SUPPLANTED.

DRIVEN OUT BY THE NEWSDEALER WITH A STAND AND A ROUTE.

Capital is Needed, and the Newsboy Hasn't Got It—The Working of the New System—Where the Boys Have Gone.

Somewhat as the bootblacks with chairs and whisk brooms have driven out the boys with blacking boxes, so the big newsdealers have driven out many of the boys who sell the morning papers. The afternoon newspapers are still sold to a large extent by boys, but even with them the news stands, the elevated roads, and the big stands at the corners have reduced the newsboys' sales. In the case of the morning papers the change has been very great. Instead of the boys working for themselves, they are h