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SATURDAY, MARCH 2, 1793.

[Whole No. 401.]

CONGRESS.

HOUSE OF REPRESENTATIVES.
SATURDAY, February 16.

IN committee of the whole on the bill to establish fees to be paid on the transfer of public securities.

Mr. Steele in the chair.

The bill was read by the chairman—an amendment was proposed, which was, to strike out the last line of the bill, and to substitute a clause providing for the disposal of the fees, which are to be received by the Comptroller of the Treasury and the Loan-Offices.

Mr. Fitzsimons said he did not know whether he should vote for the bill or not; at present he had his doubts on the expediency of departing from a principle established in the government, which is, that public officers should be compensated for their services without being authorized to receive any fees. This principle has been adhered to in all cases where it was practicable; and it must appear the most eligible mode when it is considered how difficult it is to guard against abuses and frauds; he considered it would be extremely difficult, if not impossible, to provide adequate checks in the business.

Mr. Benson objected to the provision generally, he considered it as laying a tax on a particular species of property already encumbered with various restrictions in respect to which there is no option left to one of the parties. The government has prescribed for its own security a particular process in the business of transferring public certificates. He saw no reason in imposing a tax in addition to these regulations.

Mr. Dayton, in replying to Mr. Fitzsimons observed, that the process of the business in making the transfers at the several Loan Offices would afford an opportunity to provide complete and adequate checks against any abuse in the business or embezzlement of the fees; the names of the parties are always entered in books kept for the purpose; and these would furnish the necessary citations. With respect to the objection arising from the provision's operating as a tax, he conceived it did not apply with any greater force than what might be urged against fees imposed on deeds, &c. Mr. Dayton conceived that as a host of clerks were employed in the Treasury Department on this business of transfer which was done for the benefit of individuals, he thought it no more than reasonable that they should pay the expence.

Mr. Clark followed Mr. Dayton in a train of similar observations; he said he saw no difficulty in the business, the expence will fall on the speculators only.

Mr. Sturges said, it appeared to him that the bill would operate as an infraction of the law making provision for the public debt; he conceived that that law does not contemplate any charge being paid by the proprietors of public securities for transferring the certificates. They never supposed that they would be clogged with any such charge. In this view of the subject he should be opposed to the bill.

Mr. Benson replied to Mr. Dayton's remarks on the tax imposed on deeds; he said the cases are not parallel. In the present case there is no option to the public creditors; the government has already prescribed how this business shall be done; it must therefore be considered as a breach of the rights of the creditors. With respect to the expences falling exclusively on speculators, he said the gentleman was mistaken, and mentioned as an instance, to show that persons who are not speculators will be subject to the tax. Mr. Benson doubted the propriety however, of a regulation which should operate so partially. He very much doubted the legality of framing a tax that should be pointed at any class of citizens in particular.

Mr. Mercer, after a few introductory remarks on the general utility of public institutions, and the obligation which every citizen is under to support them, remarked, that however true this principle is, yet it is but just that those who derive peculiar personal advantages from these institutions, should pay for those advantages. He applied this reasoning to the case in hand, and observed, that on this principle he thought the provision contemplated by the bill was reasonable and just. With respect to taxing the property in the funds, he remarked, that the subject involved the most extensive considerations. He should not at present enter into a discussion of them; but, he observed, that it was clearly his opinion, that that species of property was liable to taxation in common with every other; and this idea he said was sanctioned by the usages and customs of nations.

Mr. Barnwell said it appeared to him that the particular regulation established in the Treasury department were made for the public advantage: if so, he could not see the justice of throwing the expence on individuals. If the bill should be sustained, he contended that the individuals should have the alternative of transferring or not, as is the case in respect to deeds. He should therefore be opposed to the bill unless some provision for an alternative should accompany it.

Mr. Gerry objected to the bill on general principles; he stated sundry consequences ex-

tremely injurious to the public credit, which might be grafted on the principle contained in the regulation proposed.

Mr. Boudinot observed that when the proposition was first brought forward, he entertained a favourable idea of the provision; he had not, however, till this morning, critically examined the operation of the principle in relation to the contract between the Government and the public creditors: He was indebted, he said, to the gentleman from New-York for the idea of an interference. Mr. B. then analyzed the provision respecting the public debt, in order to show that the regulations adopted were considered as final and conclusive; full and complete provision was made to defray the expence by the government; from hence he deduced this consequence that the tax contemplated would have a retrospective aspect, would interfere with the stipulations of the contract, and go to injuring the public credit essentially; for, said he, if Congress can lay a tax on the transfer of the public securities, they may extend the principle to such a degree as to intend all transfers whatever, yea to taxing the debt—an idea he conceived totally subversive of public credit.

Mr. Dayton remarked, that the reasoning of his colleague, and of the gentleman from Massachusetts (Mr. Gerry) went too far, it would apply to every species of imposition whatever; and the government would thereby be in effect precluded from laying any duties on Import and tonnage.

Mr. S. Bourne was in favour of the bill—he cited precedents from Probate and other Offices in the several states, to show that paying fees was customary, and was submitted to by the people; the parties deriving the benefit, it is universally conceived should bear the expence incurred.

With respect to the fees he conceived the precedent is already established by the government, fees are paid in the department of state: these fees are accounted for to the Secretary of the Treasury—he thought a similar mode might be adopted in the present case; let the fees be paid for the benefit of the United States, and let the several officers account with the head of the Treasury department for the same, who will account to the legislature.

Mr. Clark supported the bill by further remarks; he extended his ideas to taxing the public securities; this expedient, he said, the public exigencies may possibly require. He repeated his observations relative to the number of clerks in the Treasury, employed on the business of transfers; the great expence hereby incurred he said was for the advantage of speculators, of which a host was collected in a neighbouring city; where, as from a center they extended, their negotiations to all parts of the Union.

Mr. Lawrence said he always considered it as indicative of the badness of a cause, when a person defends to general invectives against public bodies;—he alluded to Mr. Clark's reflection on the city of New-York. Mr. C. said, he had not mentioned New-York. Mr. Lawrence said his remark was applicable to the gentleman's reflection, let him refer to any city whatever. Mr. Lawrence then entered into a general consideration of the subject, and stated the various steps of the process prescribed by the funding law in relation to transfers. The deductions he drew were similar to those made by Mr. Benson.

Mr. Murray was against the bill—he thought it wrong in principle, and thinking so, no argument speciously drawn from a small gain to the public which it was unworthy in them to demand, should tempt him to vote for it. He declared that when the bill was first noticed—his reflections had presented the provision merely in a sort of analogy with fees justly demanded in courts, and in common civil offices, as offices for the registering of deeds.—But the moment the course of his reflections had traced the subject in that analogy, he discovered a strong and insuperable objection. These institutions, for the support of which fees were demandable from such as had business, were such as the law established for the intercourse between one individual and another—here, on the contrary, the law relates to a proceeding in which a debtor public is to transfer its promissory notes to individual creditors—The public is a debtor—has issued negotiable paper, part of the value of which depends on the facility of negotiation—the necessity of registering transfers being merely to secure the public—As the debt was subscribed under the idea of transfers being free of expence, so to force the parties to pay fees would diminish the value of the property—for if it be an expence now to the public, and that expence be intended to be taxed on the thing transferred, it would amount to something like diminishing the debt without discharging it. There is a solid difference between laws that regulate fees to be paid on the transactions between man and man, and such as relate to transactions like this between a debtor public and an individual creditor.—If a debtor constitutes a debt of a negotiable kind, and at the time of issuing his note makes each transfer necessarily to depend on an act of his own, he cannot expect to be paid for this—

his quality forms a part of the value he has parted from.

The debate on the subject was continued till a late hour; several other gentlemen spoke on the occasion.

The motion to amend the bill was at length agreed to, the committee then rose and reported accordingly.

The bill and the amendment were laid on the table.

Foreign Affairs.

P A R I S, December 23.

NATIONAL CONVENTION.

SATURDAY, December 15.

Letter from Lieutenant-General Miranda.

Head Quarters General at Ruremond, Dec. 11.

"The citadel of Antwerp being taken, and the navigation of the Scheldt opened, I marched forward on the 6th current with the army under my command, to attack Austrian Guel-dres. This march of 28 leagues for the most part over a wild country, was executed with astonishing order and rapidity. On our arrival at the Meuse, we found several posts of the enemy, which the vanguard easily repulsed, having taken some of them prisoners. We took possession also without opposition of the towns of Wesem and Wert, belonging to Austrian Guel-dres, and of all the territory on this side of the Meuse. We then crossed that river at the town of Wesem, by means of some boats, as the enemy had destroyed all their lying bridges. In short, with 3000 infantry and 300 hussars, we attacked our enemies, who, to the number of 3000 infantry, and 300 cavalry had retired to Ruremond. At break of day the head of our army having appeared before Ruremond, found the bridge on the Roer burnt. Our cavalry finding a ford, passed the river, and the infantry effected a passage, by procuring pontoons. At nine in the morning, our troops entered the capital of Guel-dres in triumph, amidst the acclamations of the inhabitants, who, in their joy, invoked liberty, and blessed the French who had brought them that present.

"I then found by the best information, the enemy to the number of 3,500 regular troops, commanded by General Gentreuil, had retired precipitately at five in the morning. The Austrian Council, or government of the Netherlands, who had taken refuge here, did the same four or five days before. My vanguard, which I immediately sent in pursuit of the enemy, will not fail to come up with them in their flight. Some of the inhabitants of Prussian Guel-dres, have already presented themselves before me, to offer me their services, and to solicit the same happiness which Austrian Guel-dres must enjoy under the egis of France.

(Signed) "MIRANDA."

After the reading of the above, Cambon in the name of the military and Diplomatic Committees, said, that the progress of liberty should no longer be checked. "You must (said he) freely declare our revolutionary power in every country which we enter. You must overturn established constitutions, and convoke primary assemblies. This, instead of infringing on the sovereignty of nations is establishing it. I now present a decree for that purpose."

I. The Generals in all those countries, which are, or may be occupied by our armies, shall immediately proclaim in the name of the Republic, the abolition of the ancient contributions, nobility, taxes, feudal rights, real and personal servitude, the exclusive right of hunting and fishing, and all privileges. They also declare to the people, that they bring them peace, liberty and fraternity.

II. They shall declare at the same time that the constituted authorities are suppressed. They shall proclaim the sovereignty of the people. They shall convoke the Primary Assemblies to elect Judges and provisional Administrators, and shall post up the Proclamation of this decree.

III. No one can be admitted into the Primary Assembly, nor be elected a Judge or Administrator, if he has not taken an oath to be faithful to Liberty and Equality, and if he has not renounced all the privileges which he enjoyed. The members of the existing administrations and judicial powers cannot be nominated in the first election.

IV. The National Convention shall appoint commissioners chosen from their own body, to go and to fraternise with the people.

V. The Executive Council shall also appoint Commissioners for the same end, and to regulate the sum due to the republic for the expences it may have incurred.

VI. They shall give an account of their proceedings every fifteen days.

VII. The French Republic shall keep an account of the expences it has been at, and shall make arrangements for the payment of these expences.

VIII. The French nation declares, that it will consider as enemies those people, who,

refusing liberty, shall enter into accommodation or negotiation with their tyrants.

IX. The French nation swears never to lay down its arms until the countries into which they have entered shall be free and their liberty secured.

The Proclamation referred to above was then read. It was in substance the same as the above decree, and was ordered to be sent to the Generals by extraordinary couriers.

SUNDAY, December 16.

A letter was sent to the President, stating, that the Royalists were beginning to shew themselves; and, that many writings were circulated in favor of Louis XVI.

Thuriot—"This is certainly true; but the best means of bringing back tranquility, and suppressing faction, will be to Decree, that whoever shall propose, or attempt to break the unity of the Republic, or to detach any part of it, in order to unite it to a foreign country, shall be punished with death."—Decreed.

Buzot—"If this decree serves to bring back confidence, I shall propose another which will tend still more to accomplish that object. The Throne is overturned—the tyrant will soon be no more, but despotism still exists; its ancient habits, its creatures still exist; let us imitate the Romans, they expelled Tarquin and his family;—like them let us banish the family of the Bourbons. Louis XVI. criminal and in chains is now not dangerous: we must however sacrifice him to our safety, and banish his family. If any exception is to be made, it must not be in favor of the branch of Orleans. Those who are the most beloved are the most dangerous. The name of Bourbon is odious to every true Republican, and that of Egalité is so much the more singular as he affects to conceal it. His children have great courage, and they may form alliances with the daughters of Princes. I think them dangerous. If Orleans has made sacrifices to Liberty let him add to them, that of delivering us from his presence and from the last branches of the family of the Capets. Charles I. died on the scaffold, and yet England recalled his son. The Lords placed Charles II. on the Throne. We have no more Princes, but monarchy has its superstitious votaries. Abolish the name of King, and we shall cease to be divided—drive from you every thing that may bring back arbitrary power."

Louvet—"I support this motion, and in my opinion, except Antonietta and her son, respecting the fate of whom the Convention reserve to themselves the right to determine, every individual of the family ought to quit France in 24 hours after the trial of Louis, and to be punished with death if they return."

Lanjuinais Remember the manner in which Egalité was elected. Remember that the armies are in the hands of his sons—they are beloved by the soldiers, and they deserve to be so on account of their bravery. Remember also, that an attempt was made to get a person who was formerly only Chancellor to Egalité, appointed Minister at War; any one may comprehend these hints: We detest Royalty—let us therefore prove it by banishing all the relations of the tyrant.

Chabot.—If you wish to exercise ostracism, you must not confine it to the family of the Capets.

The Convention, after some further remarks, decreed by acclamation, That

"All the members of the family of the Bourbons, Capets, except those who are detained at the Temple, shall quit the department of Paris in 24 hours, and in three days the territories of the Republic and the countries in which the French armies presently are."

The Convention likewise decree, that the Ministers Pache and Roland should be replaced, and that the Committee of Constitution should present, in as short a time as possible, a plan for organizing an Executive Council appointed by the people.

Kersaint. I request the Convention to recollect the fatal epoch, when England, which always takes advantage of the faults of the French Government, caused to be exiled by its intrigues in 1757, M. D'Argenson and M. Machant, the only two Ministers whose talents it dreaded, and by their means hurried us into a disastrous and disgraceful war.

Petion Rabaud, and several other members here attempted to speak, but they were not able to make themselves heard.

An adjournment was then twice proposed and negatived, and Barrere proceeded to read the first article of a decree for banishing the whole family of the Bourbons, except those confined in the Temple. A violent tumult now ensued; and after long confusion and uproar, during which the President was twice obliged to put on his hat, it was resolved that the question should be decreed; and that any member who might interrupt the deliberation, should be conducted to the Abbaye.

Rowbel having asked the Convention whether they could, without infringing the sovereignty of the People, expel a member [Egalité] for no other reason than that he belonged to this or to that family, a most tumultuous debate, or rather an uproar took place in the