

Soul, who kept him in check for more than five months, with about one-third of the same number of men, and closed the war at Toulouse by killing and wounding near 20,000 of the allies.

"At Waterloo, Wellington was attacked, and not permitted even the choice of a position—he did not display any talents; the battle was gained neither by Wellington nor Blücher, nor even by superiority of numbers, for Napoleon's arrangements were successful, till TREASON snatched the victory from his hands."

[N. Y. Col.]

DOMESTIC.

Baltimore, December 12.

Since History has become any way authentic, we know of no instance of so rapid a population in any part of the world, as the Western and South Western districts of the United States—What was, but a few years ago, an absolute wilderness, inhabited only by bears and savages, has already become the seat of enterprise and industry. The misfortunes of Europe have contributed much to this surprising alteration. In a short time, we may expect to hear that the Banks of the Ohio, the Missouri and the Mississippi, are covered with people, and the Spanish, the French and the English Languages and manners blended together in one mass of industry and urbanity, sensible of the manifold blessings of a liberal government. As the persecutions of Spain and France civilized and enriched England—when England was a free country—so are the persecutions of the Sovereigns of Europe enriching and civilizing the wildest portions of America. Before the expiration of half the present century, what an amazingly important country this must be!

The following Extract is a rational sanction of our opinion.

Part of a letter from a Gentleman in Pittsburgh to his friend in Baltimore, dated 20th Nov. 1816.

"For some time we have been much amused by foreigners passing through this place on their way to the Southern and Western countries. A few weeks ago, eleven Italian Priests left us for Louisville, after staying here for a month. They were extremely agreeable in conversation, and such excellent musicians, that we were all delighted with them. They came from Rome, being sent to this country, as Missionaries, by Bishop D. whom you must have heard and seen in Baltimore. They were present at his consecration in the Holy City. They gave us a grand description of the ceremony, at which were present a vast number of Catholic Clergy, and four Cardinals. They gave interesting accounts of their lives; and one of them had lived seven years in a solitary hermitage in Spain. They spoke very little English, but as I could speak a little French, we made out to understand each other.

"As I reside in a French family in this town, I have the advantage of seeing all the French travellers who pass this way in search of more agreeable places of abode—and a pleasant advantage it is; for never were there so pleasant a people. Twenty-one of them left Pittsburgh yesterday on their voyage, or journey, to the Mississippi Territory, where they are going to establish a colony. Some of them are the most elegant and accomplished gentlemen I have ever seen, particularly two of them, a Mon. G. and the author of the celebrated publication, entitled the Yellow Dwarf, the sarcastical observations of which gave excessive uneasiness to the whole knot of Legationists, who never halted until they had banished the writer, and suppressed the liberty of the Press both in Flanders and Holland. Such are some of the effects of the Holy League in Europe, once the seat of Science and Freedom!—These are now travelling to the Western Hemisphere!—At Philadelphia some of these persecuted gentlemen put on the dress of American hunters, and with a gun in one hand, and a fiddle in the other, they set out for the Western Countries. Wherever they came, whether to a house or a village, they immediately began their music, and, in five minutes, they had all the inhabitants about them, dancing and singing in the highest glee. Thus they filled and danced, and sang, the whole road to Pittsburgh. It is needless to say, that in general, they met with the most hospitable reception. They must have had hearts indeed, who would not kindly entertain such good-humored travellers. Happy people! who can thus fiddle and dance through life, in the midst of the most trying difficulties, under which we Anglo-Americans would lie down and die in despair."—[America.]

Circuit Court of the United States. On Wednesday came on before the Hon. Judges Story and Davis, the trial of William Bevens, a marine, in the service of the U. S., on the charge of having killed Peter Lungstrum, a seaman, on board the U. S. ship Independence, a short time since. The trial continued until Thursday evening, when the jury returned a verdict of Guilty of Murder. Sentence has not been passed on him, as his counsel moved an arrest of judgment, on a question of the jurisdiction of the court, the offence having been committed in the harbor of this town. The question we learn, will be referred for decision to the Supreme Court of the U. S., which will convene in Washington, in February. Bevens, who is quite a young man, not apparently 19 years old, was ably defended by Messrs. Dutton and Dexter—the counsel assigned to him by the Court. But his guilt was apparent from the evidence. He was, it appeared, on duty as a sentry on the gun deck of the ship within the space occupied by the cooks. A short altercation ensued between the prisoner and the deceased, who was cook's mate, which was begun by the prisoner; in the course of it the deceased called the prisoner a liar; on which, after receding a few feet from the deceased, the prisoner turned, advanced on and stabbed him with his bayonet, which occasioned his immediate death. [Post. Continued.]

THE JEWS IN MARYLAND. By the Constitution and laws of this state, those of our fellow citizens who profess the Jewish religion, cannot hold any office of profit or trust; neither can they, as we understand, practice law, nor serve as commissioned officers of militia. It is well known, that although there are but few Jews in the state, these few are generally intelligent, valuable, and respectable citizens. They pay their proportion of taxes for the support of government, and are compelled to perform military service, as other citizens, except in the special circumstances of

their interests in the defence, prosperity and welfare of the commonwealth, is as great, in proportion to their numbers, as that of any other class of people; in fine, they discharge all the civil and political duties which, as men and citizens they owe to the state, as correctly, fully and uprightly as any other sect. As to their religious creed, that is a matter between their Creator and themselves; a matter for which no human tribunal, law, or constitution has any right to inflict on them any sort of disability or punishment whatever; and the line of distinction which our laws and constitution have drawn between Christians and Jews, in reference to their social, civil and political character, is one of the few absurd and oppressive inequalities, which prejudice and "vain man, clothed in a little authority," has incorporated, and permitted to remain in our code.

After these remarks, it is almost superfluous for us to say, that our paper will cheerfully lend all its support towards persuading and urging the legislature to place the Jews upon an equality with other citizens, in relation to their civil and political rights and enjoyments; and we believe that a memorial to the General Assembly, having that just object in view, would be signed by every liberal and intelligent man of every denomination, and would have the desired effect.

[Balt. Patriot.]

Important to Americans trading to the W. Indies.—A gentleman of this place, lately from the West-Indies, states, for public information, that masters of American vessels must be cautious not to anchor for a longer period than 24 hours, off any of the British ports in the West-Indies from which American commerce is excluded. In this case, they will be liable to seizure and condemnation, on the plea of a design to attempt a breach of the Trade Laws. Our informant adds that one vessel from North-Carolina, for anchoring near the port of Antigua, was seized and carried in, and but for some influential friends of her captain, would have been condemned. He understood that several American vessels had been condemned in the other Islands—the above plea being urged as the cause.

[Charleston City Gaz.]

The Legislature of Kentucky is in session. We have already heard the result of the election of a Senator in Congress from that state, in the place of Mr. Barry, resigned. Gen. HARDIN now fills the vacancy, by appointment of the Governor, till the Legislature appoints. The first ballot gave to Mr. Hardin a majority of 29 votes over all the other candidates. Mr. H. is therefore confirmed in his seat.—[Nat. Int.]

Kent, (N. H.) Dec. 7. From a principle of duty, we sometime since published a report of an action, Pedro Day vs. John L. Dexter, for mal-practice as a surgeon. The same, and the only inducement, (to prevent further litigation,) renders it proper to state that this Dr. Dexter was better known at Buffalo three or four years since, by the name of Luther D. Gothro, where he carried on the business of making shoes, making no pretensions to surgery whatever, and left that place when under bonds of \$500, to appear & answer for alleged misconduct, not necessary for the present purpose to detail. There is nothing in the community more wanted than laws to prevent such imposition, by obliging every person wishing to practice, to procure a certificate, after proper examination from persons duly appointed, and properly qualified to judge.

[Continued.]

CONGRESS.

HOUSE OF REPRESENTATIVES.

Friday, Dec. 13.

Mr. Fletcher of Ky. having moved to instruct the committee of claims to enquire into the expediency of remunerating Henry Brothers, now in Kentucky, for losses sustained on the Niagara frontier, by the U. S. army and by the enemy.

Mr. Forsyth of Geo. rose to enquire whether this case was not included in the act of last session, for compensating claimants for certain lost or destroyed property.

Mr. Fletcher said, he did not consider it to be included within that law; but that the case was not embraced by that law, he was satisfied Congress would recognize its justice, and direct it to be paid.

Mr. Forsyth said, his chief object was, to take this method of apprizing the House of the fact, that the execution of that law was not suspended, but that under it, claims were daily decided, of the same character as that which the gentleman from Kentucky considered not to come within it.

Mr. Yancey of N. C. said, it was impossible to say whether the case embraced in this motion was, or was not proper to be provided for, since none of the circumstances had been stated; but certain it was, that the act of the last session had not authorized the payment of any such claim.

Mr. Johnson of Ky. said, he was glad to hear the gentleman from Georgia had made his opposition to this motion, not from any opposition to its merits, but to send a different proposition of his own, which the House had more than once refused to consider, and which he hoped would again be refused whenever he should call it up. The resolution now before the House was one almost of course, such as would be adopted at the request or suggestion of any member of the house—a mode of proceeding arising from the necessity of the case, documents to support the claim being sent on, without any accompanying petition. In relation to the proposition the gentleman had alluded to, it was not before the House now, and could not be debated. Whenever it was, Mr. J. said, he too should take occasion to say what he knew of the law relating to the payment for lost property and of its execution.

Mr. Forsyth said it was certain, indeed, that his proposition had not been taken up when he asked for it; but it had been once refused, and he hoped it would not be again. If it were proper here to enter into that question, he thought he could satisfy the House that the course which he had proposed was not improper. There is, said he, a law in existence, under which such claims are settled. The commissioner does settle such claims; he has settled them, and would, I presume, settle this claim. He wished the House to be apprized of the fact, that, though there was no law authorizing payment of such claims, the commissioner acted as if there were.

Mr. Fletcher's motion having been agreed to, *non. con.*—Mr. Forsyth called up his motion in the following words: "Resolved, That the President of the

United States, should suspend the law, in order to the further execution of the said act to be suspended, until the subject shall be disposed of by this House."

Mr. Forsyth said, he thought no man could doubt the propriety of doing something on this subject, if he would properly reflect on it. One part of the act had been suspended by the President, who suggested in his message the propriety of revising other parts of the act; which proposition, as well as an enquiry into the acts of the commissioner, was now before a committee of the House. From want of understanding, or from want of integrity, incorrect decisions had certainly been made by the commissioner. It was a little extraordinary, Mr. F. said, after what had taken place, that the commissioner should be permitted to execute the remainder of the act—to pass judgments to an indefinite amount, these judgments to be immediately paid at the Treasury, without revision or control. This required some interference on the part of this House. We can only judge what is to come from what is past. We know that erroneous decisions have been made by the commissioner, and may presume that others will be. Mr. F. said, there appeared to him no reasonable objection to the shape in which he had brought his motion before the House, yet he was not wedded to it. If any other course should be thought better to attain the same object, he should not object to it.

Mr. Yancey of N. C. said he had been opposed to this resolution the other day, because he believed, as the President had advised the revision of other parts of the act besides the 9th section, that the commissioner would not have proceeded, but would of course have stayed his proceedings till Congress had passed on the subject. The committee of claims, to whom the President's Message was referred, had taken the subject into serious consideration. This morning, they had had the commissioner before them, and clearly ascertained that he was going on under every section of the act except the 9th. I take also upon myself (said Mr. Y.) the responsibility of stating, that some decisions have been made respecting which the commissioner has been interrogated, as much without authority as the cases which come under the 9th section. He therefore believed it was necessary that the execution of the act should be suspended until it was revised. Under other sections of the act, decisions had been made which were as groundless as any which had been made under the 9th section. As for the authority of this House to make the request of the President, and of the President to suspend the law, Mr. Y. said, he had no question. The commissioner was a mere ministerial officer, subject to the control of the executive; he was expressly made so by the act itself, if he had not been so otherwise.

Mr. P. P. Barbour of Va. rose to make the suggestion to the House, that they should act on the subject now, if at all. The House had been informed by the President, that erroneous decisions had been made by the commissioner under other sections of the law than the 9th, and the commissioner going on, in the same spirit of construction, might commit error in many other cases. If the law was suspended at all, therefore, it was important that the commissioner should be directed, when he made a decision, to refer to the law, which Congress, in revising the law, might not choose to allow to others. Mr. B. was, however, clearly of opinion, that the House could not act upon the law but in conjunction with the Senate—for a suspension is a qualified repeal of a law, and the same power only can repeal which enacts it.

Mr. Robertson of Lou. was also opposed to the resolution. If the commissioner had acted correctly, it was as the law intended, and there was no motive for suspending the law; if incorrectly, the proper course would be to remove the officer.

Mr. R. doubted, he said, the power of the Executive to suspend a law of the land: he could see that such a power might be exercised in a manner very dangerous to the liberties of the country, without referring to any particular case. Mr. R. doubted, also, the propriety of acting on this subject from the motives suggested by the gentleman from Georgia. The suspension (temporary repeal) of a law should be as deliberate as the passage of the act. Let us not, said he, pursue a course, in respect to which our powers are very doubtful. I live in a distant part of the country, in regard to which, though many claims have been decided nearer the seat of government, the law is as yet a dead letter, as it is to all parts of the country at the same distance. In regard to the state of Louisiana, not a single claim had yet come before the commissioner, and Mr. R. was not, therefore, disposed to arrest the proceedings of the commissioner, at the moment the distant claims might be expected to present themselves. In regard to the commissioner, Mr. R. said, his being retained in office by the President, was presumptive evidence in his favor. He concluded his remarks by expressing his doubt of the propriety of suspending the operation of a law, and particularly the propriety of the House's acting on it.

Mr. Johnson of Ky. said, the discussion which had already taken place on this subject would save him and the House many remarks, he would otherwise have made. He presumed, a little more information, in his possession, and known to some others, would enable the House to decide correctly on this question. I venture to say, (continued Mr. Johnson,) and I believe it is not in opposition to anything suggested by any other gentleman, that, since the sitting of Congress, there has not been any decision of the commissioner which any member on this floor has examined, and will say that it contravenes the statute. I have made it my duty to make proper enquiry, and do say, there has not been a decision that any member of this House, or the President of the U. States, would not approve; that the decisions of the commissioner have been restricted to cases without doubt, and that it is his solemn determination, not out of respect to the Legislature merely, but out of respect to himself, on account of the difficulties in which he might otherwise be involved, to suspend all cases, in respect to which a doubt could be raised. He is passing only on cases in which there can be no question. Under this declaration from me, (said Mr. J.) and knowing that Mr. Lee has rejected, from scrupulous motives, cases which he ought to have passed, I hope the House will not agree to a measure, which will arrest the decision of a numerous class of cases of

ed in battle, &c. One word as to the alarm in regard to the decisions of the commissioner. Of that gentleman, (Mr. J. said,) he knew but little; but, as much as he did know, he was a man of integrity, and beyond the reach of any imputation of corruption; and, if he had erred, as the members of this House might and did differ about the construction of a law, was it to be expected, (Mr. J. asked,) that under such a law there would be no diversity of sentiment? Nothing had happened, in regard to the law, which I did not expect; the 9th section particularly involved questions of much difficulty, under the laws of nations, and the whole act gave latitude of discretion to the commissioner, respecting any exercise of which there must be different opinions—embracing cases, respecting which it was as difficult to decide, as to separate the colours of the rainbow. No case of wanton destruction by the enemy, had been passed upon by the commissioner; and any gentleman, who took the trouble to examine the evidence, would see that the cases were so strongly made out, that no man in this House would have decided differently from the commissioner. In regard to the property in our sight, that had been paid for (Carroll's building,) Mr. J. said, he found, on examination of the evidence, that it has been proved by the acting Secretary of War, by citizens, and by persons who had belonged to the British army, that the building had been occupied by infantry and cavalry, above & below stairs, and that marks of this occupation, arms, harness, &c. were found through the whole premises; in consequence of which, General Ross had directed it to be set on fire by rockets. In cases of this kind, Mr. J. said, he would not act with delicacy; and would not take a course calculated to destroy the confidence of the people in any man who had passed judicially on cases highly important to individuals interested. It was expected, there would be difficulty under the law; and when the House came to discriminate, in legislating anew on the subject, they must do it nicely, and will do it with great difficulty. In regard to the suspension of proceedings under a part of the law, the President supposed he had the power, and he had exercised it. Mr. J. took this occasion to observe, that the character of the President had been mistaken and undervalued, before his administration commenced: He was a man decisive in his sentiments; and, when he saw his way, fearless of consequences, took upon himself a responsibility, at which most men would stand appalled. This, at the close of his administration, all would now acknowledge. That man, then, who never failed in his duty, had taken hold of but one section of the act. The inconveniences of the suspension of the whole law would be very great, compelling the claimants to go to expenses, &c. and the construction was now sufficiently rigid. From every mounted man, whose horse was lost, the commissioner deducted forty cents per day, (allowed for the use of the horse,) from the amount at which his lost horse is valued; and other cases Mr. J. had presented, which he thought within the spirit of the law, but which the commissioner had rejected. Would the House, then, come forward, and by resolution of one branch of the Legislature, suspend a law, especially when (he believed) that the opposition to the law arose, with some allowance for honest difference of opinion as to the decisions, from the original opposition to the law? Mr. J. hoped, that the chairman of the committee of claims, a man of business and a discreet man, would, during the session, report a bill so to define the duties of the commissioner as to put them in a situation beyond doubt or cavil.

Mr. Webster of N. H. said, that it appeared, from the course of debate, that the objections to the resolution before the H. were of a two-fold character: the first, relating to the necessity of interference; the second, to the form which the proposed interference, if made, ought to take. It was not, perhaps, easy to ascertain whether it was the judgment of the House, that there was error in the law, or in the administration of the law, or in both. So far as regarded error in the law, there was no remedy but to repeal and amend it. If, in the execution of the law, error was apparent, he concluded, that the Executive would exercise its constitutional authority in the case. The subject was already referred to two committees in this House—and, if the House were to act further on the subject, the proper course would be to amend the resolution, so as to make it declare, that it was expedient to suspend the law, &c. and thereon found a bill in regular form, for that purpose. Mr. W. was wholly opposed to the interference of this House, singly and separately, on this occasion. If they acted on it at all, it ought to be by law. He did not know that, by passing the resolve as it stood, they would violate their duty, but they would act nugatorily. If the President had the power to suspend the law, the interposition of this House was not necessary; if he had not the power, this resolve would not give it to him. The other branch of the Legislature must be consulted, to give efficacy to the resolve. Mr. W. then moved to amend the resolve, so as to read—

"That it is expedient to suspend all further proceedings under the act, entitled 'an act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' & that the committee of claims be instructed to bring in a bill for that object."

Mr. Forsyth objected to this amendment, as tending to produce delay. The subject was, indeed, as fully before the committee of claims now, as it could be by any resolution referring to them. The object of his motion was only to suspend the act promptly, until the committee should have time to act on it. Mr. Webster rejoined, that the amendment would make the resolve imperative on the committee, who would immediately introduce a bill in conformity to it.

Mr. Pinin of Cont. said he had been originally opposed to the law in question, and had voted against it. But in the proposition now before the House, an important principle was involved, whether it was in the power of the House to suspend a law, or request the President to suspend it. Neither this House, nor the President, has the power to suspend the operation of a law passed by all the branches of the government. It requires the same power to suspend as to make a law. Mr. P. said he did not know that a

act; but he denied that this House alone, the President alone, the Senate alone, or any two of them, had the power to suspend the operation of a law. He was opposed, he repeated, to the appointment of a commissioner to decide these claims, believing they ought to be managed by the Heads of Departments, who were a little more responsible for their conduct than a commissioner. But, said Mr. P., shall we break through the constitution, and say we will suspend a law, because it would require time to go through the forms which the constitution requires? He presumed not. If the commissioner had acted so improperly as to require the suspension of his functions, the President has power already to suspend or remove the officer.

Mr. Ross of Pa. was opposed to the amendment, proposed by the gentleman from New Hampshire; and yet agreed with him in the proposition he had laid down that it was not in the power of the House to suspend a law for a day, or an hour. He was in favor of the original proposition of Mr. Forsyth, he said, not because he thought it in the power of the House of Representatives to suspend the execution of a law, but because he apprehended the President did possess the power of suspending the law, if he pleased, and that the House of Representatives may constitutionally request the President to exercise his constitutional powers. To this proceeding there could be no legal objection. Whether he will pay deference to that request, when made, Mr. R. said, was for the President to decide. The real question is, does the President possess the constitutional power of suspending the operation of this law? The gentleman from Connecticut had acknowledged that the President had the power of suspending this law, if not in one way, in another; and that he might remove the officer, which would be a suspension of the law until a successor should be appointed. There could be no doubt, he concluded, that the President had the power of suspending it. Doubts had arisen as to the execution of the law; the President himself had suggested them to Congress—and he might go further, and say to the commissioner—you shall defer further proceedings under the law, until Congress shall decide on the question I have laid before them. What did the resolution propose, further than to request the President to do this? Mr. R. was decidedly in favor of passing it without the proposed amendment.

Mr. Yancey stated the circumstance of the appearance of the commissioner of claims before the committee of claims this morning, and that an examination of some of his decisions had convinced Mr. Y. that they were not in conformity to the law. He would mention the circumstances of one, to enable the House to judge. A claim, rejected nearly unanimously by this House, had, since the passage of this law, been paid for under the 5th section of the act. The case of Mr. O'Neale was this, said Mr. Y., as it appeared before the committee of claims at a former session.—He hired an officer of the United States a vessel in the Chesapeake; it was stipulated that the vessel should be at the risk of the owners; she was continued in service for several days, after which the officer of the United States discharged the vessel out of the service of the United States. The enemy came near where the vessel lay, some time after that, and the commander thought proper to sink her, to prevent her falling into the hands of the enemy. The loss thus incurred, had been paid for under the 5th section of the bill, which provides, that "where any property has been impressed, or taken by public authority, for the use or subsistence of the army, during the late war, and the same shall have been destroyed, lost or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed for the use and risk of the same, while in the service aforesaid." Mr. Y. asked gentlemen, now, whether they were satisfied that there had been erroneous decisions under other sections of the bill than the 9th. Other vessels, he said, had been paid for under the same section.—He appealed to the honorable gentleman from Kentucky, who was a member of the committee, if these decisions were not equally as erroneous as the decisions as to Mr. Carroll's house or Mr. Ringgold's rope-walk? Mr. Y. said he did not regret voting for this law at the last session—he believed the provisions highly beneficial, if properly construed. If the law had been misconstrued, it was not the fault of the law, but of those who had administered it. It was not, he said, necessary to speak of the integrity of the officer; that had not been arraigned. When it was, it would be time enough for gentlemen to defend it. It was of abuses of the law, of erroneous decisions under it, that Mr. Y. spoke. He conceived that this House had authority, and that it was their bounden duty to call on the President to suspend further proceedings under the act. If the provisions of the law required to be restricted, it would be reported accordingly to the House; if they could not get rid of the commissioner in any other way, they might decide upon the claims embraced by the law being settled at some other office.

Mr. Randolph of Vir. considered this as more important question than it had appeared to have been viewed by any gentleman who had spoken—a much more important question than any of mere profit and loss to the U. States, or of mal-faith in office by any officer of the U. States, however high or low. He submitted to the worthy gentleman from North Carolina, whether the whole scope of his observations did not go to impugn the conduct of the officer, and not touch the law. With the law, said Mr. R. I had nothing to do; but I do know, that in cases of comparatively small importance, in governments like ours, the most baneful precedents creep in. He had no doubt, he said, from the representation of the gentleman from N. Carolina, that much wrong had been done; but it did not follow that he would accept the first remedy. The patient was unquestionably sick; but it did not follow that he should swallow the first prescription of the first man he meets—the first nostrum offered to him. No doubt much wrong had been done, which it was not competent to this House to remedy; and that wrong might be done, which it might become the duty, the prerogative of this House to remedy. The question now was, however, whether it comported with the dignity of this House to go to the President, and request of him the removal of any petty officer—for of that description he considered this officer, being appointed by the vice,

Executive of the United States. Mr. R. said he would never compromise himself so far in his individual character, much less as a member of this House, as to ask of the Executive the appointment or removal, to or from any office, of any individual. But a much more important principle was involved in this discussion: Shall the House of Representatives be instrumental in introducing into the American constitution a doctrine which has deluged the English nation with blood—which has occasioned a long, violent and bloody war; a war which finally wrested from the Stuart family this prerogative? Mr. R. said he acquiesced in the intentions of such intention; he believed their intentions were pure—but he saw at once the danger of this suspending prerogative, for which the commons of England contended he knew not how long, and at length wrested from their sovereigns, being attributed to our Executive authority—differing so widely in its construction from that of monarchical governments. Mr. R. could not consent to it.—If, said he, the House were to request the President to suspend this act, perchance some future President will suspend our statutes without our request, and for this reason—if he be competent to suspend an act, a mere resolution of this House does neither enlarge nor diminish his powers. Under this view of the case, if the decisions of the commissioner were to take the last dollar from the Treasury, Mr. R. said, he would rather see it drained, than see it admitted that the President of the United States had the power to suspend laws in any case.

Mr. Grosvenor rose to ask the gentleman from North Carolina, whether he obtained the facts which he had stated from the commissioner himself. If they were as stated, the case must be one, not only of an incorrect but of corrupt decision.—If the gentleman had stated the real circumstances of the case, Mr. G. said, he should deem it sufficient ground on which to institute against this officer a proceeding of a criminal nature.

Mr. Hopkinson of Pa. said that nothing was more important to this House than its character and dignity; nothing was more important to the nation—and nothing would tend more to sustain this character than that it should refrain from acts which it could not consummate. Suppose the resolution to pass, the request to be made of the President, and the President to order the suspension; suppose that the officer refused to suspend the law. The officer, said Mr. H. in doing so, stands authorized by the act of the Legislature; he not only successfully but with impunity resists the requests of this House and the direction of the President. The President has by the constitution no such power as that of suspending a law; and although the gentleman from Pennsylvania had laid down the position that he had the power to suspend this law, he had not proved it. Mr. H. held it most clear, that the President has not the power, on the request of this House, to suspend the execution of any law.

Mr. Hullbert said he was satisfied that the grounds of the resolution were correct. It was not proposed to suspend the law, but the execution of the provisions of the law specially confided by the act to the executive. He thought the House had the power to ask this of the President, and he hoped they would exercise it.

Mr. Calhoun of S. C. said, the defect alleged appeared not to be in the law; but in the execution of the law. If so, it was in the power of the executive to dismiss the officer without the interposition of this House. Mr. C. said he felt very little disposition to give his support to any proposition, which should assume the idea of the power of this House to suspend a law. If the decisions of the commissioner were such as had been represented, no amendment of the law could have any effect whatever, because the law did not even touch the case which had been stated. The evil appeared to be in the officer himself. It is in the President's power to remove that evil; in assuming power in this case, said Mr. C. we should act out of the line of our duty. If the President did not dismiss the officer, there was another remedy by the exercise of a power belonging to this House—that of impeachment.

Mr. Forsyth said, that much of the debate had arisen from the introduction into the debate of a question not before the House. Various objections had been made—and of them of a novel character, that it would be undignified for this House, to request the President to suspend the execution of the law. Mr. F. said, he presumed it was always consistent with the dignity of the House to perform the duties which the constitution and their correct performance assigned to them. The first great duty of this House was to take care of the public money, & guard it from wasteful disbursement. Mr. F. said gentlemen seemed to imagine, that this resolution was founded on the presumption that the power exercised by the President under this particular act, had been, principally, by Mr. F. said he would have left this subject wholly to the discretion of the President, if he had been satisfied that that discretion would be properly exercised. But he believed it not so. There was evidence enough before the House to show, that as the President had directed the suspension of a part of the act, he ought to have gone further, & suspended the whole. Mr. F. said he would state in addition some cases of decision, recently made by the commissioner, with which he was not perfectly acquainted, but sufficiently so, to satisfy him of their error. He had been at the Treasury this morning, and examined some of the awards which had been made. In one case, said he, I find the commissioner has awarded to a man a sum of money for corn & potatoes trampled under foot, by the United States' troops; and to another person the value of fifty-two rods of rail fence destroyed; these awards being in favor of men by the name of Moore and Evans. From the abstracts of the decisions he had seen, Mr. F. said he was satisfied such decisions were erroneous. To prevent the recurrence of similar cases, he wished the act of suspension of a particular section of the law, that of lost horses from the west. Without their aid, Mr. F. said, this act would never have passed this House. Honorable gentlemen, in the warmth of their feelings for the brave volunteers of the United States, in gratitude for the services of its brave militia, and in gratitude for the ring the war, had included in the act a variety of cases which ought never to have been sanctioned by this House. The House had been told here, would the suspension of the act diminish the weight of that evidence? Would it impair the force of that evidence? Would it impair the payment of the money for a month or six weeks? Mr. F. put it to the gentlemen whether that consideration was sufficient to justify an opposition to the resolution now before the House. But even under that section of the bill he had received it from the most correct authority, the commissioner was an officer which no man in this House would justify; he was about to extend the provisions of the act to officers of the regular army. Some such cases, he was his impression, had been decided before the proper authority, and the House would reject the amendment and agree to the resolution.

Mr. Randolph put it to the gentlemen last, whether his whole argument, did not go to