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SEVENTH CONGRESS, OF THE *United States of America.*

HOUSE OF REPRESENTATIVES.

Wednesday, February 2.

The committee to whom were referred memorials from the citizens of Washington and Alexandria, were authorised to report by bill or otherwise on such alteration, as may in their opinion be deemed proper in the act for the government of the district of Columbia.

The house took up the amendments of the committee of the whole to the bill respecting consuls, vice consuls, &c.

After agreeing to the amendments, and making other amendments, the house ordered the bill to be engrossed for a third reading to-morrow.

The house went into a committee of the whole on the bill making provision for persons who have received known wounds in the revolutionary war,

Mr. Varnum in the chair

A conversation took place between Messrs. Griswold, Helms, Eustis, Macon and Elmer, on the adequacy of the provisions of the bill to the cases for which it was provided; when, on motion of Mr. Eustis, the committee rose and reported progress; the house refused them leave to sit again, and recommitted the bill to the select committee that introduced it.

Mr. Hill called for the order of the day on the bill to prohibit the importation of certain persons, &c.

When Mr. Bayard requested the gentleman to wave his motion for one moment to enable the house to take his resolution respecting the French spoliations laid some days since on the table into consideration for the sole purpose of giving it a proper disposition. His object, some days since when he called it up, was to have it referred to a committee of the whole house, not to urge its discussion on that day. His object was now the same, and his sole wish was that it should be referred, and a day named for its consideration. As, however, said Mr. Bayard, it may be voted down now, as it then was, without any reasons being assigned, gentlemen will excuse me for calling the yeas and nays.—I hope gentlemen will so far at least comply with the forms of justice as to suffer the case to be considered, whatever may be their ultimate decision upon it.

Mr. Randolph said he would ask the gentleman from Delaware, whether he had seen any indisposition in that house to discuss the subject. For his part he had seen none, either in the house or in any individual member. He felt no objection to take up the subject at any time, and to discuss, or rather to hear the gentleman from Delaware discuss it. He hoped, therefore, the gentleman would not persist in taking up the time of the house by calling the yeas and nays.

Mr. Bayard said he had seen an indisposition in the house to discuss the subject; and the reason why the gentleman from Virginia had not seen it, was that he was not in his place on the day he had before moved that the resolution should be taken up. Had he been in his place, he would have seen that a motion to take it into consideration had been rejected without a single reason being assigned. But under the assurance of the gentleman that there was no aversion to consider the subject, he would wave his call for the yeas and nays.

Mr. Randolph said he only spoke for himself.

Mr. Bayard replied that he then persisted in the call.

The yeas and nays were then taken on taking up the resolution; and were yeas 65; nays 26—as follows:

YEAS—Messrs. Alston, Bacon, Bailey, Bayard, Bishop, Boude, Bowie, Brent, Brown, Campbell, Cutler, Dana, Davenport, Dawson, Dennis, Dickson, Early, Elmendorf, Elmer, Eustis, Foster, Goddard, Gregg, Griswold, Grove, Hastings, D. Heister, Hemphill, Henderson, Hill, Holmes, Hugar, Hunt, Lowndes, Mattoon, Moore, L. R. Morris, T. Morris, New, Newton, jun. Perkins, Plater, Randolph, jun. Read, Rutledge, Shepard, J. C. Smith, Josiah Smith, Southard, Stanley, Stewart, Stanton, Taliaferro, jun. Tallmage, Tenny, Thatcher, Thomas, Tillinghast, Thompson, Upham, Varnum, Van Horn, Wadsworth, L. Williams, Wynns—65.

NAYS—Messrs. Archer, Butler, Cabell, Clay, Clopton, Condit, Davis, Gray, Hanna, J. Heister, Helms, Hoge, Holland, Leib, Meriwether, Mott, Smilie, Israel, Smith, J. Smith, of New York, J. Smith, of Virg. Stanford, Stanton, A. Trigg, Van Cortland, R. Williams, Winn—26.

The resolution was referred to the committee of the whole without opposition.

When Mr. Bayard moved that it be made the order for Monday next.

Mr. R. Williams moved the third of March.

Mr. Gregg thought it was best to take the resolution up fairly and decide it at once.

Mr. R. Williams said he was willing to meet it fairly—but he thought one day sufficient for the investigation.

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Thursday, February 3.

The bill entitled an act supplementary to the act concerning consuls and vice-consuls, and for the further protection of American seamen, was read a third time, and passed.

The house again resolved itself into a committee of the whole on the bill to prevent the importation of certain persons, whose importation is prohibited by certain states, and made certain amendments thereto.

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Friday, February 4.

A message was received from the President respecting certain complaints made of the incompetency of judge Pickering of New Hampshire to discharge the duties of a district judge of the United States.

Referred to a select committee.

On the motion of Dr. Mitchill the memorial of the mechanics and manufacturers of New York, connected with ship-building and the attendant arts, was ordered to be printed.

The house took up the amendments of the committee of the whole to the bill to prevent the importation of certain persons, &c.

Mr. Hill, in order to accommodate the bill to some gentlemen who had expressed their opinions, moved an amendment withholding its operation until the 1st day of May next.

Mr. Lowndes spoke against this amendment.

Mr. Hill withdrew it.

Mr. Wadsworth renewed it.

The amendment was supported by Messrs. Thatcher, Dennis, S. Smith, Elmendorf, Hastings, R. Williams and Bacon, and opposed by Messrs. Rutledge, Lowndes, Claiborne, Holland and Randolph; and on the question being taken, was lost—ayes 36—noes 40.

M. R. Williams then moved to limit its operation from the 1st day of April. Carried—ayes 40—noes 37.

After a short debate, the bill was ordered to be engrossed for a third reading on Monday.

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Monday, February 7.

The Speaker laid before the house a report from the commissioners of the sinking fund, stating the operations of the board for the last year.

Mr. Smilie presented a petition from a number of aliens, residing in Chester county, in the state of Pennsylvania, praying a more easy admission to the rights of citizenship.

M. *Smilie* moved a reference of the petition to a select committee.

Mr. Davis observed that this description of persons had of late become extremely troublesome to the house. He was tired of their never ending petitions. He had thought, that during the last session they had obtained what they wanted. As he was persuaded their admission to citizenship was now as easy as it ought to be, he hoped the house would turn a deaf ear to their requests, and in this way protect themselves from being further troubled. He was therefore opposed to referring the petition: and the more so, as it was impossible from the press of other business, and the late period of the session, to pay it any effectual attention.

Mr. *Smilie* did not know whether there would be time conclusively to attend to the petition presented; but he considered it as of sufficient importance to refer it to a select committee. He believed this was only the beginning of many petitions that would be presented from the states of Pennsylvania and New York.

Mr. *Griswold* called for the reading of the first part of the petition, which, if he heard correctly, contained expressions extremely disrespectful.

[The first part of the petition was read, which comments with severity on the principles and measures of the late administration.]

Mr. *Bayard* perfectly agreed with the gentleman from Kentucky (Mr. Davis,) that it would be treating the petition with sufficient attention during the present session to suffer it to lie on the table. He did not know that referring it to a select committee would be treating it with respect; if it were, he did not know that he would be disposed to vote for it. It was allowed that it was impossible to attend to it this session. During the last session the alien law had been revised by the friends of the petitioners, or by those, at least, who called themselves their friends. Their admission to citizenship had been facilitated by requiring a residence of only five years. What more do they wish? Do they wish to enjoy full political rights before they can even read the constitution? By going too far in making them citizens, we should take care lest we uncitizenize ourselves. Already they enjoy the rights of property and every personal security, and the only ulterior right remaining is the right of election. Mr. Bayard said he had no objection to extending this right after a certain period. But it was certainly false policy before they knew the principles of our government and laws to amalgamate them to the mass of society. To do this would be to introduce principles unfriendly to true republicanism. He hoped, therefore, the petition would be suffered to rest on the table.

Mr. *Smilie* said there was one part of the prayer of the petition which, he trusted would be granted. The other probably would not be granted. He alluded to the prayer of those aliens, who were obliged to signify their intention of becoming citizens two years beforehand. He thought these ought to be relieved. He hoped, therefore, the petition would be referred. And if there should not be time to act upon it this session, it might lay before the committee. Mr. Smilie did not think this a proper stage of the business to go into a discussion of the merits of the petition, or into the policy of complying with their request. The gentleman from Delaware appeared to have serious apprehensions respecting aliens. For his part he had none. He believed that in the state in which he resided there was as great a proportion of aliens as any other; and yet no inconvenience or evil had been experienced. The gentleman may, perhaps, think the politics of his own state not sound from the admission of aliens.

Mr. Smilie concluded by observing that though he thought it probable the legislature would not shorten the probationary period for citizenship, yet he thought it would be best to refer the petition.

The question was then taken on referring it to a select committee, and lost—ayes 32—noes 49.

Mr. Helms reported from the committee to whom a similar bill had been recommitted, a bill to make provision for persons who have received known wounds in the revolutionary war.

An engrossed bill to prevent the importation of certain persons whose admission is prohibited into certain states was read a third time;—as follows:

"*Be it enacted*, By the Senate and House of Representatives of the United States of America, in congress assembled, That from and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of color, into any port or place of the United States, which port or place shall be situated in any state which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of color, under the penalty of one thousand dollars for each and every negro, mulatto, or other person of color aforesaid, imported or brought into the United States as aforesaid, to be sued for and recovered by action of debt in any court of the United States, one half thereof to the use of the United States, and the other half to the use of any person prosecuting for the same, and in any action brought for the penalty aforesaid, the person or persons sued shall be held to special bail.

SEC. 2. *And be it further enacted*, That no ship or vessel arriving in any of the said ports of the United States situated as aforesaid, and having on board any negro, mulatto, or other person of color, contrary to the meaning and intention of this act, or of the laws of the respective states prohibiting the admission or importation of such negro, mulatto, or other person of color, shall be admitted to an entry. And if any such negro, mulatto, or other person of color shall be landed from on board any such ship or vessel in any of the ports aforesaid, or on the coasts of any state prohibiting the admission or importation as aforesaid, the said ship or vessel, together with her tackle, apparel and furniture, shall be forfeited to the United States; one half of the nett proceeds of the sales, on such forfeiture, to accrue and be paid over to such person or persons on whose information the seizure shall be made.

SEC. 3. *And be it further enacted*, That it shall be the duty of the collectors and other officers of the customs, and all other officers of the revenue of the United States in the several ports situated as aforesaid, to notice and be governed by the provisions of the laws of the several states now existing, prohibiting the admission or importation of any negro, mulatto, or other persons of color, and they are hereby required and enjoined vigilantly to carry into effect the said laws of said state, conformably to the provisions of this act, any law of the United States to the contrary notwithstanding."

When Mr. Bacon called the yeas and nays, and spoke against the passage of the bill, which he considered as unconstitutional and impolitic.

Mr. Mott considered it as unconstitutional and should therefore vote against it.

Mr. Mitchill moved the recommitment of the bill in order to obtain its amendment.

This motion was supported by Messrs. Mitchill, Nicholson, Elmer, Smilie, Gregg, and S. Smith; and opposed by Messrs. Davis, Hill, Early, and Randolph.

Those who supported the motion to recommit, urged it upon different grounds—some on the ground that the bill was unconstitutional, in destroying and abridging the rights of free negroes and persons of color, who were citizens of one state, by prohibiting under the severe penalty of 1,000 dollars, and the forfeiture of the vessel carrying them, their importation into certain states; others on the ground, that though this and other provisions of the bill were not unconstitutional, yet they would operate upon particular descriptions of persons with great and unjust severity. All allowed the propriety of the general government exerting every legitimate authority it possessed to enforce the state laws, and to avert the evil apprehended from the introduction of brigands from the West India islands.

The opponents of the commitment insisted on the passage of the bill as it stood. They acknowledged that its penalties were rigorous; but they were only such as the imminent danger of the southern states called for. They vindicated the constitutionality of the law by observing that it only prevented the importation of negroes and persons of colors into those states which had already prohibited their admission.

When the question was taken on recommitting the bill to a committee of the whole and lost—ayes 42—noes 46.

Mr. Nicholson moved to recommit it to a select committee.

Carried—ayes 47—noes 42.

Mr. S. Smith moved that the house should resolve itself into a committee of the whole on the bill for the granting of clearances to ships or vessels of the United States, lying in the river Mississippi, south of the southern boundary of the United States, and therein to amend an act, intituled an act to regulate the collection of duties on imports and tonnage, and for other purposes.

Mr. Bayard said he would make a motion that would supercede that of Mr. S. Smith, viz. that the house should resolve itself into a committee of the whole on the state of the union, in order to take up the proposition of amendment to the constitution respecting the election of a President and Vice-president, laid some time since on the table.

Messrs. Leib and Huger supported, and Messrs. Jones and Davis opposed this motion, which was lost—ayes 34—noes 54.

Mr. Bayard gave notice that he would renew his motion to-morrow.

The house then resolved itself into a committee of the whole on the bill above stated—*Mr. Varnum* in the chair.

Sundry amendments being made the committee rose and reported the bill.—The house concurred in the amendments, and ordered the bill to be engrossed for a third reading to-morrow.

Mr. Varnum from the committee appointed on so much of the President's message as relates to the militia, made a report, with an accompanying bill.

The report states the system adopted by the act of 1792, to be, in the opinion of the committee, founded on a correct construction of the constitution, and well adapted to the circumstances of the United States; and concludes with a resolution requesting the President of the United States to address a letter to the executives of the several states urging a more vigorous execution of the law.

The accompanying bill provides for some deficient details in the law of 1792.

Referred to the committee of the whole to-morrow.

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Tuesday, February 8.

Mr. Leib presented a petition from sundry aliens inhabitants of Carlisle, Pennsylvania, of a similar tenor with the petition presented yesterday from aliens residing in Chester county, Pennsylvania.

Mr. Leib moved to refer the petition to a select committee.

This motion occasioned a debate, and was supported by Messrs. Jones and Smilie, and opposed by Messrs. Nicholson, Claiborne, Randolph, Dennis and Bacon.

Mr. Leib called the yeas and nays; which were taken, and were on the reference of the petition yeas 23—nays 61—lost.

A petition was presented from sundry inhabitants of Alexandria, praying a reduction of the legal fees paid to the several officers of court.

Referred to the committee formed on memorials from citizens of Washington and Alexandria.

The Speaker laid before the house a letter from the governor of the Indiana territory, enclosing certain propositions made by a convention of the Indiana territory for suspending for ten years the operation of some of the articles of the ordinance of that territory.

Mr. Randolph presented a petition from a number of citizens of the same territory on the same and other subjects.

Both communications were ordered to be printed.

Mr. Southard, from the post-office committee, reported a bill further to alter and establish certain post-roads, and for other purposes.

Which was read twice and referred to a committee of the whole on Friday.

An engrossed bill "for the granting of clearances to ships or vessels of the United States, lying in the river Mississippi, south of the southern boundary of the United States, and therein to amend an act, intituled an act to regulate the collection of duties on imports and tonnage, and for other purposes," was read a third time and passed.

A bill, from the senate, to provide for the execution of the laws of the United States, in the state of Ohio, was read twice and referred to a select committee of five.

The bill, for the relief of sufferers by fire in the town of Portsmouth, was received from the senate with amendments.

Mr. Bacon called for the taking up his resolutions respecting the cession of the district of Columbia to the states of Maryland and Virginia.

Mr. Bayard moved the order of the day for going into a committee of the whole on the state of the Union, for the purpose of taking up the proposition of amendment to the constitution respecting the mode of electing a President and Vice-president.

This motion, according to the rules of the house, superceded Mr. Bacon's.

It was supported in a spirited debate by Messrs. Bayard, Huger, Griswold, Lowndes, and Morris; and opposed by Messrs. S. Smith, Bacon, Gregg, Nicholson, Smilie and Davis.

When the question was taken by yeas and nays, and lost—yeas 37—nays 61.

The house then took up Mr. Bacon's resolutions to recede the district of Columbia, and went into a committee of the whole—*Mr. John C. Smith* in the chair.

Messrs. Bacon and Smilie spoke in favor, and Messrs. Huger and Dennis against agreeing to them, when on mo-

(Continued in last page.)